

## SENATE.

TUESDAY, February 4, 1908.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. HALE, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

## CIRCULATING NOTES FOR PANAMA BONDS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 15th ultimo, a statement giving the name of each national bank to which was awarded Panama Canal bonds, the amount awarded, the price paid, etc., which, with the accompanying paper, was referred to the Committee on Finance and ordered to be printed.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 2929) to authorize the Idaho and Washington Northern Railroad to construct a bridge across the Pend d'Oreille River, in the State of Washington.

The message also announced that the House had passed a bill (H. R. 15653) to increase the pension of widows, minor children, etc., of deceased soldiers and sailors of the late civil war, the war with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of deceased soldiers and sailors of the late civil war, in which it requested the concurrence of the Senate.

## PETITIONS AND MEMORIALS.

Mr. GALLINGER presented a petition of the Board of Trade of Manchester, N. H., praying for the enactment of legislation to establish a national forest reserve in the southern Appalachian and White mountains, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Board of Trade of Manchester, N. H., praying that an appropriation be made for instruction in the mechanical arts in the high schools, and also for courses to be given in home economics, which was referred to the Committee on Education and Labor.

He also presented the memorial of George R. Beyerle, a citizen of the United States, remonstrating against the adoption of certain amendments to the present copyright law relating to musical compositions, which was referred to the Committee on Patents.

He also presented the petition of H. N. Potter, of Darlington, Pa., and a petition of the Woman's Christian Temperance Union of Apollo, Pa., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. PLATT presented a petition of the Musicians' Protective Association of Syracuse, N. Y., praying for the enactment of legislation to prohibit Army and Navy musicians from entering into competition with civilian musicians, which was referred to the Committee on Military Affairs.

He also presented a memorial of Local Council No. 236, United Commercial Travelers, of Elmira, N. Y., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

Mr. SMOOT presented a petition of the Commercial Club of Spanish Fork, Utah, praying for the adoption of an amendment to section 4 of the act to regulate commerce, which was referred to the Committee on Interstate Commerce.

Mr. SMITH presented petitions of James R. Wylie and 106 other citizens, of Thomas M. Peck and 106 other citizens, of Charles T. Sanger and 20 other citizens, of Charles T. Sawyer and 20 other citizens, of J. W. Stone and 79 other citizens, of Mason W. Burt and 59 other citizens, of Thomas Sparks and 19 other citizens, of George Weimer and 12 other citizens, and of Z. S. Trowbridge and 263 other citizens, all in the State of Michigan, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which were referred to the Committee on Military Affairs.

Mr. FLINT presented a petition of the Chamber of Commerce of San Diego, Cal., praying that an appropriation be made for the improvement of the fortifications at Fort Rosecrans for the better protection of southern California, which was referred to the Committee on Military Affairs.

He also presented a petition of sundry volunteer officers of the civil war in California, praying for the enactment of legislation to create a volunteer retired list in the War and Navy

Departments for surviving officers of the civil war, which was referred to the Committee on Military Affairs.

Mr. BROWN presented a petition of the Commercial Club of Lincoln, Nebr., praying for the enactment of legislation to prohibit railroad companies from charging a greater freight rate for transportation for short distances than for longer distances covering the same and additional track mileage for the same commodities, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Farmers' Institute Association and the Nebraska Park and Forestry Association of Lincoln, Nebr., praying for the enactment of legislation to establish a national forest reserve in the southern Appalachian and White mountains, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of George G. Meade Post, No. 19, Department of Nebraska, Grand Army of the Republic, of Sutton, Nebr., praying for the enactment of legislation to remove limitations in the payment of arrearages of pension, which was referred to the Committee on Pensions.

He also presented a petition of sundry third-class postmasters of the Fourth Congressional District of Nebraska, praying for the enactment of legislation placing third-class postmasters on the same basis as second-class postmasters as to allowances for clerk hire and equipment for post-offices, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented an affidavit to accompany the bill (S. 2703) granting an increase of pension to Charles Adams, which was referred to the Committee on Pensions.

Mr. WARNER presented a petition of sundry citizens of Kirksville and Ethel, in the State of Missouri, praying for the enactment of legislation to remove the charge of desertion from the military record of Joseph Lovern, deceased, which was referred to the Committee on Military Affairs.

Mr. WETMORE presented a petition of Local Union No. 53, Stereotypers Union, of Providence, R. I., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

Mr. LONG presented a memorial of Local Council No. 96, United Commercial Travelers, of Parsons, Kans., remonstrating against the passage of the so-called "parcels post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the National German-American Alliance, Missouri and Southern Illinois Division, of St. Louis, Mo., praying for the repeal of the present anticanteen law, which was referred to the Committee on Military Affairs.

He also presented petitions of Zed S. Hoslings and 46 other citizens of Effingham, and of the Woman's Christian Temperance Unions of Winchester, Argonia, Phillipsburg, Lyons, Lewis, and Kansas City, all in the State of Kansas, praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented an affidavit to accompany the bill (S. 4221) for the relief of Franklin Cowan, which was referred to the Committee on Military Affairs.

Mr. CULLOM presented petitions of sundry volunteer officers of the civil war, of Greenville and Fairfield, in the State of Illinois, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for surviving officers of the civil war, which were referred to the Committee on Military Affairs.

Mr. STEPHENSON presented a petition of Local Union No. 90, Stereotypers' Union, of Milwaukee, Wis., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented petitions of sundry volunteer officers of the civil war, of Green Bay and Marinette, in the State of Wisconsin, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for surviving officers of the civil war, which were referred to the Committee on Military Affairs.

Mr. BURKETT presented a petition of sundry third-class postmasters of the Fourth Congressional District of Nebraska, praying that an appropriation of \$2,000,000 be made for additional clerk hire for third-class postmasters, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CURTIS presented a memorial of Local Council No. 96, United Commercial Travelers of America, of Parsons, Kans., remonstrating against the enactment of legislation to secure the use of United States rural mail equipment and to place the rural service on a paying basis, and also against the consolida-

tion of third and fourth class mail matter under the title of "merchandise," etc., which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Olathe, Kans., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

Mr. LODGE presented a memorial of the Board of Trade of Boston, Mass., remonstrating against the passage of the so-called "Crumpacker bill," to provide for the taking of the Thirtieth and subsequent decennial censuses, which was referred to the Committee on the Census.

He also presented a petition of the Missouri and Southern Illinois Division of the National German-American Alliance, praying for the enactment of legislation to repeal the present antiscab law, which was referred to the Committee on Military Affairs.

He also presented a petition of Local Union No. 13, International Typographical Union, of Boston, Mass., and of Local Union No. 51, International Typographical Union, of Lawrence, Mass., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

Mr. WARREN presented a petition of Cheyenne Lodge, No. 89, International Association of Machinists, of Cheyenne, Wyo., praying for the construction at the Government navy-yards of vessels for the United States Navy, which was referred to the Committee on Naval Affairs.

He also presented a petition of the Farmers' Cooperative Association of Wheatland, Wyo., praying for the establishment of postal savings banks, and also for the enlargement of the parcels-post system, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Wyoming, praying for the enactment of legislation providing an annuity of \$75 per month to veterans who have received the Congressional medal of honor, which was referred to the Committee on Military Affairs.

Mr. BURNHAM presented a petition of the Board of Trade of Manchester, N. H., praying that an appropriation be made for national high school instruction in the mechanical arts and also for national high school courses in home economics, which was referred to the Committee on Education and Labor.

He also presented the petition of Lawrence Adler, of Hanover, N. H., praying for the adoption of certain amendments to the present copyright law relating to musical compositions, which was referred to the Committee on Patents.

He also presented a petition of Local Union No. 359, Iron Molders' Union of North America, of South Berwick, Me., praying for the enactment of legislation providing for the building of ships and war vessels at the navy-yards of the country, which was referred to the Committee on Naval Affairs.

He also presented a petition of sundry citizens of Plymouth, N. H., praying for the ratification of international arbitration treaties, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Board of Trade of Manchester, N. H., praying for the enactment of legislation to establish a national forest reserve in the southern Appalachian and White mountains, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. PENROSE presented a petition of the Board of Trade of Philadelphia, Pa., praying that an appropriation be made for the erection of a public building for an immigrant station at that city, which was ordered to lie on the table.

He also presented sundry papers to accompany the bill (S. 3133) granting an increase of pension to George Hemminger, which was referred to the Committee on Pensions.

He also presented sundry papers to accompany the bill (S. 3878) granting a pension to John F. Rose, which were referred to the Committee on Pensions.

He also presented a paper to accompany the bill (S. 1525) for the relief of James E. Byram, which was referred to the Committee on Military Affairs.

He also presented a paper to accompany the bill (S. 3977) granting an increase of pension to Matthew C. Reed, which was referred to the Committee on Pensions.

He also presented sundry papers to accompany the bill (S. 3132) granting an increase of pension to George W. Kinsel, which were referred to the Committee on Pensions.

He also presented sundry papers to accompany the bill (S. 1497) granting an increase of pension to Joseph T. Sparr, which were referred to the Committee on Pensions.

Mr. HALE presented a petition of sundry volunteer officers of the civil war of Maine, praying for the enactment of legisla-

tion to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which was referred to the Committee on Military Affairs.

#### IMMIGRATION AT PORT OF NEW YORK.

Mr. LODGE. I present some statistics of immigration at the port of New York prepared by Robert Watchorn, Commissioner of Immigration at that port. I move that the paper be printed as a document and referred to the Committee on Immigration.

The motion was agreed to.

#### REPORT OF COMMITTEES.

Mr. KEAN, from the Committee on Claims, to whom was referred the bill (S. 3528) for the relief of Durham W. Stevens, reported it without amendment and submitted a report thereon.

Mr. FULTON, from the Committee on the Judiciary, to whom was referred the bill (S. 3526) to amend section 876 of the Revised Statutes, reported it with amendments and submitted a report thereon.

Mr. HOPKINS, from the Committee on Finance, to whom was referred the bill (S. 60) for the relief of the Chicago, Peoria and St. Louis Railway Company of Illinois, reported it without amendment.

Mr. CLARKE of Arkansas, from the Committee on the Judiciary, to whom was referred the bill (S. 2695) to amend the act of Congress approved March 3, 1875, entitled "An act to determine the jurisdiction of circuit courts of the United States and to regulate the removal of causes from State courts, and for other purposes," and the acts amendatory thereof, reported it without amendment.

#### BILLS INTRODUCED.

Mr. FRYE introduced a bill (S. 4893) granting an increase of pension to William C. Brooks, which was read twice by its title and referred to the Committee on Pensions.

Mr. MCCREARY introduced a bill (S. 4894) granting an increase of pension to Alfred A. Gambill, which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 4895) granting an increase of pension to Marshall Bragg, which was read twice by its title and referred to the Committee on Pensions.

Mr. CLAPP introduced a bill (S. 4896) for the relief of Andrew Erickson, which was read twice by its title and referred to the Committee on Claims.

Mr. SMITH introduced a bill (S. 4897) granting an honorable discharge to Adam D. Shriner, which was read twice by its title and referred to the Committee on Military Affairs.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 4898) granting an increase of pension to Lewis Philbrick (with accompanying papers);

A bill (S. 4899) granting an increase of pension to Charles Moulton;

A bill (S. 4900) granting an increase of pension to George Alexander;

A bill (S. 4901) granting a pension to Jason A. Pelton (with accompanying papers);

A bill (S. 4902) granting an increase of pension to Benjamin S. Whitman; and

A bill (S. 4903) granting a pension to Lydia A. Brigham (with accompanying papers).

Mr. NELSON introduced a bill (S. 4904) granting a pension to Mary Ursula Krieg, which was read twice by its title and referred to the Committee on Pensions.

Mr. WARNER introduced a bill (S. 4905) for the relief of the trustees of the Methodist Episcopal Church South, of Platte City, Mo., which was read twice by its title and referred to the Committee on Claims.

He also introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Military Affairs:

A bill (S. 4906) for the relief of Charles W. Howard;

A bill (S. 4907) for the relief of John O'Connor; and

A bill (S. 4908) for the relief of Levi Mott.

He also introduced a bill (S. 4909) granting an increase of pension to Matthew Harris, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. RICHARDSON introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 4910) granting an increase of pension to Emma L. Cole; and

A bill (S. 4911) granting an increase of pension to John F. Barr.



Mr. BRIGGS introduced a bill (S. 4912) for the relief of Henry A. Tolbert, which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 4913) granting a pension to Eliza W. Newell, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. McLAURIN (by request) introduced a bill (S. 4914) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, which was read twice by its title and referred to the Committee on Interstate Commerce.

Mr. PAYNTER introduced a bill (S. 4915) to amend section 14, chapter 1, Revised Statutes of the United States, prescribing the time when Senators of the United States shall be elected, which was read twice by its title and referred to the Committee on Privileges and Elections.

Mr. BORAH introduced a bill (S. 4916) authorizing the Secretary of the Interior to issue patent in fee to the Board of Missions of the Protestant Episcopal Church for certain lands situated in the State of Idaho, which was read twice by its title and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 4917) providing for the repeal of the act passed and approved June 3, 1878, known as the timber and stone act, and also the act passed and approved August 4, 1892, the same being an extension of said act, which was read twice by its title and referred to the Committee on Public Lands.

Mr. STEPHENSON introduced a bill (S. 4918) granting an increase of pension to George W. Morton, which was read twice by its title and referred to the Committee on Pensions.

Mr. SMOOT introduced a bill (S. 4919) to correct the military record of Caleb J. Kizer, which was read twice by its title and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. GALLINGER introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on the District of Columbia:

A bill (S. 4920) to provide a temporary home in the District of Columbia for ex-Union volunteer soldiers, sailors, and marines; and

A bill (S. 4921) authorizing the extension of Ninth street NW.

Mr. GORE introduced a bill (S. 4922) providing for the platting and selling of the south half of section 30, township 2 north, range 11 west of the Indian meridian, in the State of Oklahoma, for town-site purposes, which was read twice by its title and referred to the Committee on Indian Affairs.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 4923) granting a pension to Elizabeth Alice Sanders; and

A bill (S. 4924) granting a pension to Mary A. Hanks.

Mr. BURKETT introduced a bill (S. 4925) granting an increase of pension to Richard Shapland, which was read twice by its title and referred to the Committee on Pensions.

Mr. LONG introduced a bill (S. 4926) granting an increase of pension to Tyra Montgomery, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CURTIS introduced a bill (S. 4927) granting an increase of pension to Betsey L. Emerson, which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 4928) for the relief of William Hayes, which was read twice by its title and referred to the Committee on Claims.

Mr. DILLINGHAM introduced a bill (S. 4929) granting an increase of pension to John H. Albee, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FORAKER introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 4930) granting a pension to Horace H. Lockwood;

A bill (S. 4931) granting an increase of pension to Lawson T. Worthington;

A bill (S. 4932) granting an increase of pension to John W. Manning (with accompanying papers);

A bill (S. 4933) granting an increase of pension to Garrett H. Fowler;

A bill (S. 4934) granting an increase of pension to Alexander Field;

A bill (S. 4935) granting a pension to Eli A. Boyer;

A bill (S. 4936) granting an increase of pension to George W. Boggs;

A bill (S. 4937) granting an increase of pension to John White (with an accompanying paper);

A bill (S. 4938) granting a pension to W. B. Lunbeck;

A bill (S. 4939) granting an increase of pension to Richard Farley;

A bill (S. 4940) granting an increase of pension to George W. Pitner;

A bill (S. 4941) granting a pension to David G. Moreland;

A bill (S. 4942) granting a pension to Lucy C. West (with accompanying papers);

A bill (S. 4943) granting a pension to Charles S. Wolfe (with accompanying papers);

A bill (S. 4944) granting a pension to Jacob Myers;

A bill (S. 4945) granting a pension to August Rumpf;

A bill (S. 4946) granting a pension to Annie C. Newsom (with accompanying papers);

A bill (S. 4947) granting a pension to Susan Roads;

A bill (S. 4948) granting an increase of pension to William C. Forsythe;

A bill (S. 4949) granting an increase of pension to John Blevins (with an accompanying paper);

A bill (S. 4950) granting a pension to John A. Hiser; and

A bill (S. 4951) granting a pension to Wilson S. Zurmehly.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Military Affairs:

A bill (S. 4952) granting an honorable discharge to William McCormack; and

A bill (S. 4953) to remove the charge of desertion from the military record of John H. Lettrell.

He also introduced a bill (S. 4954) for the relief of Elizabeth F. Irvin, which was read twice by its title and referred to the Committee on Claims.

Mr. PENROSE introduced a bill (S. 4955) to amend paragraph 483 of section 2 of the act entitled "An act to provide revenue for the Government and to encourage the industries of the United States," approved July 24, 1897, which was read twice by its title and referred to the Committee on Finance.

He also introduced a bill (S. 4956) to grant an honorable discharge to Reuben Seiler, which was read twice by its title and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Military Affairs:

A bill (S. 4957) to grant an honorable discharge to Alfred L. Dutton;

A bill (S. 4958) for the relief of Thomas F. Walter; and

A bill (S. 4959) to amend section 4875 of the Revised Statutes to provide a compensation of \$100 per month, with fuel and quarters, for the superintendent of the Arlington (Va.) National Cemetery.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 4960) for the relief of Henry George;

A bill (S. 4961) for the relief of Matthew H. Elder; and

A bill (S. 4962) referring to the Court of Claims the claim of Anna K. Carpenter, widow of the late Bvt. Maj. Thomas H. Carpenter, captain, United States Army, retired.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 4963) granting an increase of pension to Cephas W. Dyer;

A bill (S. 4964) granting an increase of pension to Annie D. Mickle;

A bill (S. 4965) granting an increase of pension to William Lamou;

A bill (S. 4966) granting an increase of pension to John H. Schreiner;

A bill (S. 4967) granting a pension to Allison F. Kohler;

A bill (S. 4968) granting an increase of pension to Condy Manelius;

A bill (S. 4969) granting an increase of pension to Peter Clark;

A bill (S. 4970) granting an increase of pension to Alice M. Bright;

A bill (S. 4971) granting an increase of pension to Emily S. Beale;

A bill (S. 4972) granting a pension to Silas R. Anderson;

A bill (S. 4973) granting a pension to Isabella C. Swisher;

A bill (S. 4974) granting a pension to Della White;  
 A bill (S. 4975) granting a pension to Annie S. Jones;  
 A bill (S. 4976) granting an increase of pension to Robert S. Miller;

A bill (S. 4977) granting an increase of pension to Charles E. Tipton;

A bill (S. 4978) granting a pension to Jacob Peter;  
 A bill (S. 4979) granting an increase of pension to Thomas B. Lewis;

A bill (S. 4980) granting a pension to Anna E. Siple;  
 A bill (S. 4981) granting a pension to Ellen J. Nesbit; and  
 A bill (S. 4982) granting an increase of pension to Michael Dougherty (with an accompanying paper).

Mr. PROCTOR introduced a bill (S. 4983) to pay the Canadian Electric Light Company, of Levis, Quebec, its claim on account of damages caused by the U. S. gunboat *Essex*, which was read twice by its title and referred to the Committee on Claims.

Mr. GAMBLE introduced a bill (S. 4984) for the relief of James D. Elliott, which was read twice by its title and referred to the Committee on Claims.

Mr. BAILEY introduced a bill (S. 4985) to provide for the deposit of public money in certain cases, which was read twice by its title.

Mr. BAILEY. Mr. President, this bill is intended as a substitute for what is known as the Aldrich bill. I ask that it be referred to the Committee on Finance.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. HEYBURN introduced a joint resolution (S. R. 51) providing for additional lands for Idaho under the provisions of the Carey Act, which was read twice by its title and referred to the Committee on Public Lands.

#### AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. LODGE submitted an amendment providing that the Spanish Treaty Claims Commission shall fix a price per page for depositions taken in Cuba, such as would be fair and reasonable under ordinary conditions, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate \$5,000 for taking depositions abroad for the Spanish Treaty Claims Commission, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. PERKINS submitted an amendment increasing the appropriation for the limit of cost for the construction of a custom-house building in the city of San Francisco from \$1,500,000 to \$1,750,000, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

#### PROPOSED TARIFF COMMISSION.

Mr. BEVERIDGE. I move that the bill (S. 3163) to create a tariff commission be reprinted with alterations.  
 The motion was agreed to.

#### REPORT OF PUBLIC LANDS COMMISSION.

Mr. NELSON submitted the following concurrent resolution, which was considered by unanimous consent and agreed to:

*Resolved by the Senate (the House of Representatives concurring), That there be printed 2,500 copies of Senate Document No. 189, Fifty-eighth Congress, third session, being the report of the Public Lands Commission, with appendix, 1,500 copies for the use of the Public Lands Commission, 500 for the use of the Senate, and 500 for the use of the House of Representatives.*

#### SURVEY OF BOGUE SOUND, NORTH CAROLINA.

Mr. SIMMONS submitted the following concurrent resolution, which was referred to the Committee on Commerce:

*Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made of that part of Bogue Sound contiguous to the town of Morehead City, N. C., beginning at the mouth of Hard Scrabble Slough, running westwardly between the said town and the marshes in front of the same, to the main channel of Bogue Sound on the west of Sandy Point Shoal, with a view of estimating the cost of obtaining a channel in said part of Bogue Sound, 100 feet in width and of a depth of 5, 8, and 10 feet at low water.*

#### SURVEY OF WASHITA RIVER, OKLAHOMA.

Mr. GORE submitted the following concurrent resolution, which was referred to the Committee on Commerce:

*Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made of the Washita River, Oklahoma, from the point of its confluence with the Red River to the town of Mountain View, in Kiowa County, Okla., with a view of dredging, cleaning out, and widening the channel, and to submit a plan and estimate for such improvements.*

#### SURVEY OF NEW SMYRNA INLET, FLORIDA.

Mr. BRYAN submitted the following concurrent resolution, which was referred to the Committee on Commerce:

*Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and is hereby, authorized and directed to cause an examination and survey to be made of New Smyrna Inlet, in the county of Volusia and State of Florida, with a view to deepening the same, and to submit estimates therefor.*

#### HOUSE BILL REFERRED.

H. R. 15653. An act to increase the pension of widows, minor children, etc., of deceased soldiers and sailors of the late civil war, the war with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late civil war was read twice by its title and referred to the Committee on Pensions.

#### URGENT DEFICIENCY APPROPRIATIONS.

Mr. HALE. I ask that the urgent deficiency appropriation bill be taken up and proceeded with.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 14766) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1908, and for prior years, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. HALE. I ask that the formal reading of the bill be dispensed with, and that the amendments be considered in their order.

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the amendments by the Committee on Appropriations be first considered. Without objection, it is so ordered. The Secretary will proceed with the reading of the bill.

The Secretary proceeded to read the bill. The first amendment of the Committee on Appropriations was, under the subhead "Miscellaneous objects, Treasury," on page 8, after line 2, to insert:

Charters, Constitutions, and Organic Law: The Secretary of the Treasury is hereby directed to withhold payment of the sum of \$10,000 appropriated by the act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1907, for the purchase of the manuscript of a new edition of "Charters, Constitutions, and Organic Laws," pending the approval of the Joint Committee on the Library, which is hereby authorized to pass upon the question of the completeness and accuracy of the work and to determine whether the manuscript submitted is the identical, specific manuscript which Congress agreed to buy and for whose purchase it appropriated \$10,000.

The amendment was agreed to.

The next amendment was, on page 9, after line 19, to insert:

For paper for interest, transfer, redemption, pension, and other checks and drafts for the use of the Treasurer of the United States, assistant treasurers, pension agents, disbursing officers, and others, \$1,500.

The amendment was agreed to.

The next amendment was, under the head of "District of Columbia," on page 13, line 1, to increase from \$107,000 to \$142,000 the appropriation for furnishing and equipping complete in every detail by the Commissioners of the District of Columbia the new municipal building, for repairing and renewing old furniture, etc.

The amendment was agreed to.

The next amendment was, on page 14, after line 4, under the heading, "Public schools, District of Columbia," to insert:

That the appropriation of \$25,000 provided to meet the expenses due to the operation of the compulsory education law, fiscal year 1908, is hereby made available for the purchase of all necessary articles and supplies to be used in the course of instruction provided for atypical and ungraded classes.

The amendment was agreed to.

The next amendment was, at the top of page 16, to insert:

Columbia Hospital for Women: To reimburse Columbia Hospital for Women and Lying-in Asylum for expenditures for indigent patients sent to said hospital by the Board of Charities in excess of the appropriations by Congress, from July 1, 1903, to June 30, 1905, \$2,475.80.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous Objects, War Department," on page 19, after line 8, to insert:

To pay JOHN H. BANKHEAD for his services as a member of the Inland Waterways Commission from March 14 to June 18, 1907, \$1,875.

The amendment was agreed to.

The next amendment was, under the subhead "Indian Affairs," on page 27, after line 8, to insert:

For the suppression of the traffic of intoxicating liquors among the Indians, to be expended under the direction of the Secretary of the Interior, for the fiscal year 1908, \$3,500.

Mr. GALLINGER. The amendment reads: "For the suppression of the traffic of intoxicating liquors." I move to amend by striking out the word "of" and inserting the word "in;" so



as to read: "For the suppression of the traffic in intoxicating liquors."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 28, after line 2, to insert:

The Secretary of the Interior is directed to place on the books of the Treasury to the credit of the Lower Brulé Sioux Indians in South Dakota, out of any money in the Treasury not otherwise appropriated, the sum of \$50,000, to be immediately available, said sum to be expended under the direction of the Secretary of the Interior in the purchase of cattle, mares, and stallions, or for such other purposes as he may deem to be for the best interests of the Indians: *Provided*, That the same shall be reimbursed to the United States from the first proceeds received from the sale of the lands described in the act of April 21, 1906 (34 Stat. L., 125), belonging to said Lower Brulé Indians.

The amendment was agreed to.

The next amendment was, on page 29, after line 3, to insert:

For expense of surveys, allotment of lands to Indians, salaries and expenses of the Commission heretofore appointed for the classification of the Flathead Indian Reservation lands, and other incidental expenses in connection with the appraisal, classification, and sale of the lands embraced in the Flathead Indian Reservation, in the State of Montana, the sum of \$60,000, the same to be reimbursable from the sale of said lands.

The amendment was agreed to.

The next amendment was, under the head of "United States courts," on page 34, after line 3, to insert:

All expenses that may be incurred and otherwise chargeable to the United States and District of Columbia in the approaching trial of the case of the United States against Hyde, Dimond, Benson, and Schneider in the District of Columbia shall be chargeable wholly to the United States and be paid from the respective appropriations made for expenses of United States courts out of the Treasury.

The amendment was agreed to.

The reading of the bill was continued to line 2 on page 35.

Mr. BACON. I should like to ask the Senator from Maine to give us some information in regard to the item on page 34, that which is an amendment. It has already been passed, but in reading rapidly I did not have time at the moment to catch the significance of it. I presume it is all right, but at the same time I think the Senate should have some explanation of it.

Mr. HALE. In this case, Mr. President, the indictment was found in the District of Columbia, although nothing here had anything to do with the charge or offense, except that the Department of Justice decided that the conspiracy was perfected here and jurisdiction could be had only here. Therefore, the indictment was found in the District. It is not a District matter in any way, and the District government should not be burdened with the expense. That is the reason why it is provided that the trial shall be at the expense of the General Government.

The reading of the bill was resumed. The next amendment was, on page 38, after line 3, to insert:

To pay James D. Elliott for services performed as United States attorney for the district of South Dakota from July 11, 1906, to March 4, 1907, the sum of \$2,599.99.

Mr. CULBERSON. Mr. President, with reference to that amendment, I understand that the beneficiary of this appropriation was appointed district attorney for the State of South Dakota and that his nomination was rejected by the Senate. I invite the attention of the Senator from Maine [Mr. HALE] to section 1761 of the Revised Statutes, which provides:

SEC. 1761. No money shall be paid from the Treasury, as salary, to any person appointed during the recess of the Senate, to fill a vacancy in any existing office, if the vacancy existed while the Senate was in session and was by law required to be filled by and with the advice and consent of the Senate, until such appointee has been confirmed by the Senate.

The facts, Mr. President, of this case are not within my personal knowledge, but I understand they bring the case within the prohibition of this statute. I therefore submit the matter to the Senator in charge of the bill.

Mr. GAMBLE. Mr. President, so far as it appears in the amendment the vacancy did not occur during a session of the Senate. The services, payment for which is provided for in the amendment, were from July 11, 1906, to March 4, 1907. The Senate on the 11th of July, 1906, was not in session. It seems to me, therefore, that the amendment would not be subject to the objection made by the Senator from Texas.

Mr. CULBERSON. Mr. President—

The VICE-PRESIDENT. Does the Senator from South Dakota yield to the Senator from Texas?

Mr. GAMBLE. Certainly.

Mr. CULBERSON. I ask the Senator from South Dakota if the disbursing officers did not refuse to pay the money because of this statute?

Mr. GAMBLE. I will say, in answer to the Senator, that that is true. James D. Elliott was United States attorney for the district of South Dakota, and resigned the office, I think, on

the 10th of April, 1906, when the Senate was in session. The position was at once filled under the statute by the presiding judge making an appointment. The office was occupied by that appointee until the 11th of July following, when Mr. Elliott was appointed during the recess of the Senate. He took possession of the office on the 11th of July and held it until the 4th of March, 1907, he not being confirmed by the Senate. I think the officers of the Department held that the vacancy occurred at the time of the resignation of Mr. Elliott and that the position was not filled by the appointment made by the presiding judge. The services were rendered and the office held by the United States attorney from the 11th of July up until March 4, 1907. There is no question in regard to the services having been rendered.

I trust the Senator from Texas [Mr. CULBERSON] will not interpose the objection, because, as I at first suggested, so far as the amendment appears, it is not in contravention with the terms of section 1761 of the Revised Statutes. If the objection should be insisted upon and sustained, it would drive this man, of course, to seek another remedy.

Mr. TILLMAN. I ask the Senator from South Dakota if this is not a claim against the Government?

The VICE-PRESIDENT. Does the Senator from South Dakota yield to the Senator from South Carolina?

Mr. GAMBLE. Certainly.

Mr. TILLMAN. If this is a claim against the Government, it is not a deficiency, and, therefore, does it not appear here rather by courtesy than anything else?

Mr. GAMBLE. I think, perhaps, it would be a deficiency; certainly it is a deficiency so far as Mr. Elliott is concerned.

Mr. TILLMAN. It is a deficiency in Mr. Elliott's finances, undoubtedly, but it can not be a deficiency in the sense of the law, because such a claim is forbidden by law to be paid.

Mr. GAMBLE. Mr. President, I do not understand that the objection by the Senator from Texas [Mr. CULBERSON] was based on that ground. I trust the Senator from Texas will withdraw his objection.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the Committee on Appropriations.

Mr. CULBERSON. Mr. President, I suggest that this amendment increases the appropriation in violation of existing law; that it is therefore subject to the point of order, and also that such an appropriation as this has no place in a deficiency appropriation bill.

Mr. HALE. Mr. President, I have no doubt that the amendment is subject to the point of order, and I ask that it be disagreed to.

The VICE-PRESIDENT. Is the point of order proposed by the Senator from Texas withdrawn?

Mr. CULBERSON. On the contrary, Mr. President—

The VICE-PRESIDENT. The Senator from Maine asks that the amendment be disagreed to.

Mr. HALE. That will dispose of it on this bill.

Mr. CULBERSON. It goes out of the bill—very well; that is all I care for.

The amendment was rejected.

The reading of the bill was resumed and continued to the end of the clause in line 14, on page 43, as follows:

#### THE ISTHMIAN CANAL.

For salaries of members, officers, and employees of the Isthmian Canal Commission, including assistant purchasing and shipping agents, and all other employees in the United States, \$18,600.

For pay of officers and employees on the Isthmus other than skilled and unskilled labor, including civil engineers, superintendents, instrument men, transitmen, levelmen, rodmen, draftsmen, timekeepers, mechanical and electrical engineers, supervisors, clerks, accountants, stenographers, storekeepers, messengers, office boys, foremen and subforemen, watchmen, wagon masters, stewards, hospital dispensers, internes, nurses, and attendants, including those necessarily and temporarily detailed for duty away from the Isthmus, for the departments of construction and engineering, auditing, disbursing, and labor, quarters and subsistence, \$210,700.

For skilled and unskilled labor on the Isthmus, including engineers, conductors, firemen, brakemen, electricians, teamsters, cranesmen, machinists, blacksmiths, and other artisans, and their helpers, janitors, sailors, cooks, waiters, and dairymen, for the departments of construction and engineering, accounting, disbursements, and labor, quarters and subsistence, \$5,536,300.

For purchase and delivery of material, supplies, and equipment, including cost of inspecting material and of paying traveling expenses incident thereto, whether on the Isthmus or elsewhere, and such other expenses not in the United States as the Commission deems necessary to best promote the construction of the Isthmian Canal, for the departments of construction and engineering, auditing, disbursing, and labor, quarters and subsistence, \$6,085,700.

For miscellaneous expenditures, cable and telegraph service, stationery and printing, and traveling and incidental expenses on the Isthmus, for the departments of construction and engineering, accounting, disbursing, and labor, quarters and subsistence, \$157,700.

Mr. CULBERSON. Mr. President, in reference to this Isthmian Canal appropriation, I call the attention of the Senator from Maine to the fact that in 1905 the assurance was given

that no part of the appropriation for the Isthmian Canal should be used for the maintenance of a publicity bureau. Since then they have gone to a greater extent than previously and have established a newspaper on the Zone. I ask the Senator from Maine if any part of the money which is appropriated in this bill affects that question?

Mr. HALE. Mr. President, the matter of publishing a newspaper as the organ of the Isthmian Canal Commission, as the Senator from Texas will remember, had its rise in conditions here. It was found that a bureau had been set up, not simply to record the doings, the transactions of the Commission, but to furnish information to the press generally and to edit communications furnished to the press. The Committee on Appropriations and the Senate were very strongly against it. When the matter was laid before the President, he saw at once the impropriety of it, and the bureau went out of existence, as it was fitting it should.

Now, upon the Isthmus there is issued each week, not a newspaper in the sense of having editorials or editorial matter sent out, but a record of the work, a record of the prices, a record of the markets, simply a statement, so far as I have examined—and I have examined several copies—a statement which is convenient and handy for everybody down there, showing the existing conditions of the work. I had something to do with abolishing the old bureau, and was very earnest about it, as the Senator from Texas will remember; but I do not see in this sheet—it is not much more than that—anything that was objectionable in the old bureau. Therefore I have not thought it worth while to put any prohibition of it in this bill.

Mr. CULBERSON. I was not asking the Senator from Maine, Mr. President, to put in the bill any prohibition; but I was asking him if this particular bill contained any deficiency so far as that publication is concerned?

Mr. HALE. The deficiency is of the fund generally, and undoubtedly this sheet—it does not cost much—is paid for out of the general fund, and the deficiency of \$11,000,000 or \$12,000,000 here includes that small amount, not in terms, but the authorities down there have authorized this paper, and the amount appropriated here, which is \$12,178,900, includes that, undoubtedly.

Mr. BACON. Mr. President, if I recollect correctly as to the bureau which existed in this city and which fell under the condemnation of the last Congress, the objectionable feature was that there was an editorial department, not for the purpose of giving information as to the progress of the work, although that may have been a part of the design, but the main feature of it, as it was understood, was that it really occupied the position of an advocate for the purpose of defending certain policies or advocating certain policies. That was deemed to be an improper feature. I will ask the Senator from Maine if I am correct in that?

Mr. HALE. The Senator has stated it exactly.

Mr. BACON. As I understand now, the publication of which he has been speaking and which at present is being issued upon the Canal Zone has not that objectionable feature?

Mr. HALE. Nothing of the kind at all; in fact, the old bureau that we were all against did not issue any paper or sheet, but furnished information and edited matter for outside papers.

Mr. BACON. For publication in other newspapers?

Mr. HALE. And to influence public sentiment.

Mr. BACON. In other words, it was a propaganda?

Mr. HALE. Yes.

Mr. CULBERSON. Mr. President, it seems improper for me to let the occasion pass without saying that the identical person who had charge of the publication bureau connected with the old Isthmian Canal Commission is now the editor of the paper to which I have called attention. He has simply been shifted from the United States to the Canal Zone and his duties enlarged by providing him a means, at the expense of the Government, for presenting his views with reference to the conditions on the Zone and the progress of the work there. Not only are tables printed giving prices and the progress of the work, but in the one or two issues of that paper that I have noticed, Mr. President, there are editorial comments. The question, therefore, is whether the Senate will consent to one of the Departments of the Government—that is, the War Department on the Canal Zone, or the Isthmian Canal Commission—publishing a newspaper at the expense of the Government of the United States. There is, in my judgment, Mr. President, no difference in principle between the case as presented now and the case as it presented itself during the last Congress, except that the present instance is more aggravated than the previous one.

I desire to offer at the end of this paragraph an amendment

to the effect that no part of this appropriation shall be used to pay for the expense of publishing a newspaper on the Canal Zone.

Mr. FLINT. Mr. President, I hope the amendment offered by the Senator from Texas will not be adopted. The newspaper, so called, that is published on the Canal Zone is not the same proposition at all as was presented to the Senate when the matter of Mr. Bishop's employment was considered in a previous Congress. The newspaper published on the Canal Zone now is simply to disseminate knowledge throughout the nation as to what is actually taking place in the work on the Zone. It is a mere statement of facts, not only to supply information throughout the United States, but also to inform the various employees of the Isthmian Canal Commission as to what is taking place in the different parts of the Zone. The matter has been thoroughly discussed before the Canal Committee. Colonel Goethals testified before the committee that the publication of this sheet resulted in great good to the workmen throughout the Zone in encouraging them to perform their duties, as in this journal credit is given for good work to the employees under each department.

Mr. BACON. Mr. President, as the Senator from California is familiar with this matter, I should like to ask him a question. I ask him for information, not arguendo. Does the Senator know what salary Mr. Bishop gets now as editor of that paper?

Mr. FLINT. I understand he receives no salary for editing this paper; that it is a mere incident to his other employment. He attends to his other work, and supervising the publication of this paper is merely an incident. He is not engaged in the same line of work as that which was heretofore criticised by the Senate.

Mr. BACON. What is his other work?

Mr. FLINT. The other work is acting as secretary to the Commission on the Zone. I do not know just exactly what his work is in detail as secretary to the Commission, but it was testified before the committee that his connection with this paper is a mere incident to his other work.

Mr. BACON. The Senator, then, has no information as to what his work is?

Mr. FLINT. He is secretary to the Commission.

Mr. BACON. The point of the inquiry is this: When Mr. Bishop was engaged in the business in Washington he had some other title, but he was at the time, just as he is now in the Zone, nominally, at least, engaged in other work. It developed, however, and was, I think, brought to the attention of the Senate, that while thus nominally engaged in other work at a salary of \$10,000 per annum, he was in fact engaged in what I suggested just now might be properly denominated as a propaganda. He issued no sheet here, no newspaper; but it was understood that he was engaged in the preparation of matter which was published in other newspapers. Congress stopped that, and yet the same party is now employed under some other title and engaged, in a degree at least, in the same class of work. It seems to me, after Congress has indicated its intention that this employment should cease, that when it is brought to our attention that he has been shifted to another position of a similar kind at the same salary—a salary, I will remark by way of parenthesis, which was very severely criticised in this Chamber as being excessive—employed in a similar capacity and engaged in a degree in the same kind of work, and when the statement is made that he gets nothing for that work, but that it is an incident to his other employment, it does seem to me that it is not unreasonable to ask that we should have definite information as to what that other employment is.

Furthermore, I should like to know, if the Senator has information upon the subject, whether the same gentleman, Mr. Bishop, is limiting his literary labors to this little newspaper, or, if the Senator is prepared to tell us, either affirmatively or negatively, whether he is still engaged in the same propaganda in which he was engaged when the matter was before the Senate during the last Congress.

Mr. CARTER. Mr. President, I understand from the statement of the Senator from California [Mr. FLINT] that Mr. Bishop is the secretary of the Isthmian Canal Commission. In his official capacity as secretary he receives from day to day practically the body of the information which is printed in this so-called "paper." The information manifestly comes to him without express or particular effort on his part. It is official information, which he as secretary is required to collect in order to keep thorough track of the work in progress. Originally editorials were prepared and policies with reference to the Zone were advocated by the distribution of such editorials and comments through the press of the United States.



This work of giving forth information concerning the progress of the work and the manner of its performance is clearly not in the nature of a propaganda; it is not in the nature of an effort to influence policy, national or otherwise, but is the furnishing in convenient form to the American people of a class of information which they would seek by correspondence if it were not perfectly convenient for them to get it through some other channel.

I imagine the work of the secretary of the Commission would be very greatly increased and the expense of his office considerably increased if, instead of issuing this paper at stated periods, with all the information it contains, he relied upon answering particular letters and inquiries concerning the progress of the work. His staff of clerks would undoubtedly have to be increased, or else the secretary would have to decline to furnish any information at all concerning the work in progress on the Zone. The people of the country are very greatly interested in this canal work. Many persons have apprehended that it would involve an expenditure of money entirely beyond the most extravagant estimates ever presented to Congress or the country.

Mr. TILLMAN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from South Carolina?

Mr. CARTER. In a moment, if the Senator will permit me.

Other men, Mr. President, have apprehended that the work might prove a failure altogether. The execution of this great project involves the aspirations and dreams of the country throughout centuries. The country is deeply, actively, and profoundly interested in the success of the enterprise, and consequently interested in all the information that the secretary of the Commission can give forth with reference to its progress from day to day.

Mr. TILLMAN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Montana now yield to the Senator from South Carolina?

Mr. CARTER. I yield with pleasure.

Mr. TILLMAN. I noticed in the press some little while back that Colonel Goethals, the engineer in chief—an army officer, of course, and a very accomplished one—in his testimony before some committee of the House, when asked as to the probable cost of this canal, was unwilling even to limit it to \$500,000,000—that is my recollection—and when some one there endeavored to get some fixed sum which would be sufficient, there was no definite information furnished. I should like to ask the Senator from Montana whether the purpose of this newspaper is to let the American public into the confidence of the Commission by degrees and ease us down, or ease us up to the \$500,000,000 schedule?

Mr. CARTER. Mr. President, the construction of the canal is the business of the people of the United States, being executed by the agencies of the Government. The people are as much interested in this information as the engineers in charge, and I think the diffusion of information is certainly not a reprehensible proceeding.

Mr. BACON. Before the Senator takes his seat—

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Georgia?

Mr. CARTER. Certainly.

Mr. BACON. In order that he may direct his reply, if he has the information, to the specific point—and as I understood the suggestion of the Senator from Texas [Mr. CULBERSON], it was not in any manner directed against the propriety of such information being furnished to the people of the United States and also to those engaged in the work on the Zone, for that would be commendable and nobody would object to that—but the point suggested upon which I should like, if the Senator has the information, that he would give it to us, is this: The Senator from Maine [Mr. HALE], who, I am sure, was entirely in accord with the judgment of the Senate in the last Congress as to the impropriety of the propaganda which was being prosecuted in this city, gave us the assurance that in the present publication there was no such feature. If it had rested there I am sure there would have been nothing further said, because everybody will recognize the propriety of the fullest information being given to the people of the United States in regard to the progress of this work, the money that is being expended, the difficulties that are being encountered, and the possible expenditures before there can be an accomplishment of the great design. I repeat, if that assurance of the Senator from Maine had rested as the final information nothing more would have been said. But the Senator from Texas replied to that, I think, either that he had seen or had information that this publication went beyond the matter of giving this information and that it contained editorials the design of which was either to

defend certain policies or to advocate certain policies. In other words, it was again a propaganda in another shape. If the information of the Senator from Texas in that regard is erroneous, of course we would be glad to be informed of it; and if we can be satisfied it is erroneous, I am certain there will be no objection to the proper expenditure of money in the giving of needed information.

Mr. HALE obtained the floor.

Mr. HOPKINS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Illinois?

Mr. HALE. Certainly.

Mr. HOPKINS. Mr. President, in answer to the Senator from Georgia as to the purpose of this publication, I desire to call his attention to the statement made by former Senator Blackburn, who during his last service in the Senate was the recognized leader of the opposition in this body. Senator Blackburn before the Inter-oceanic Canals Committee, in speaking on this very subject, said:

Whatever may be said about the literary bureau that was complained of in the amendment offered by the Senator from Texas, I do not think there will be found in the Canal Record from its establishment until now any cause for criticism upon the score of "boosting" anybody connected with the work of building this canal. I think its main object, and the best feature connected with it, consists in the fact that it is an official statement merely of facts, given weekly to the American people and to the world, as to the progress of that work and its condition from week to week. I think its main value consists in the fact that, without any effort to magnify the work of the Commission or anybody connected with the Commission, it is an open, frank presentation to the American people and to the world of the progress that is being made and the exact status of that work in every detail from week to week.

Colonel Goethals in his statement says it was intended largely to give to the people working on the Isthmus information of orders that were issued from time to time by the Commission and to keep the employees advised as to the condition of the work on different portions of the canal itself, and that, in his judgment, it was a very wise provision, not only from an economical standpoint, but for the purpose of keeping all the employees on the canal fully advised of the work that was in progress at different points on the Isthmus.

Mr. HALE. Mr. President, I do not propose to debate the general conditions on the Isthmus. The money will be appropriated because it is needed for the great work there. Nor do I take much interest in the issuance of this sheet—this paper, so-called. I have examined three or four different issues, and I have discovered nothing in it that is anything more than a statement of existing facts from week to week. I have seen no editorial that attempted to argue any proposition in any way disputable. I do not think the sheet is doing any harm, and it may do some good. It will never be circulated much outside the Isthmus. Very few people will ever see it. The secretary, Mr. Bishop, is giving no time of any account to it. I presume the figures are compiled by some clerk and the paper is issued from week to week. While I was very much against the propaganda and against the Bishop performance here in Washington, I am satisfied all that has disappeared and that this sheet which is issued is not subject to the objections that arose at that time, and which I believed in then and believe in now.

I am desirous of getting the bill through as soon as possible. If the Senator insists upon his amendment let us have a vote upon it, and if the amendment is put on it will not do any harm. If it is not put on it will not do any harm.

Mr. LODGE. Mr. President, the Senator from South Carolina [Mr. TILLMAN] a moment ago quoted Colonel Goethals as to the cost of the canal, and I think he must have relied on newspapers and not on what Colonel Goethals said.

Mr. TILLMAN. I relied on newspapers.

Mr. LODGE. I read from the stenographic report of the hearing:

The CHAIRMAN. I observe, Colonel, you are quoted this morning in the papers as saying that the aggregate cost of the lock canal would be \$300,000,000.

Colonel GOETHALS. I was misquoted. I stated that, making a rough estimate in April, we thought the canal would cost approximately \$250,000,000, but I was not prepared to make any estimate, and will not be prepared until the annual report is made next year, at which time we hope to have estimates ready to submit, stating exactly what the canal will cost.

The CHAIRMAN. Let me ask you, Colonel, whether in that approximate estimate that you say you have made—

Colonel GOETHALS. It can hardly be called an estimate. It is merely a guess.

The CHAIRMAN. I want to ask you whether that includes all expenditures for construction as well as those expenditures that are necessarily incident to construction?

Colonel GOETHALS. That was to include everything except the purchase money; to include sanitation, civil government, and everything—the canal completed. We had estimated roughly that it would not exceed \$250,000,000; but I think that estimate can be materially reduced now.

His approximate, rough estimate is less than \$250,000,000. He said nothing about \$500,000,000. He said he was misquoted when he was represented as having said \$300,000,000.

The CHAIRMAN. If a sea-level canal should be constructed—

Colonel GOETHALS. I do not think there is money enough in the country to build a sea-level canal. [Laughter.]

Mr. LIVINGSTON. It would be nothing but a ditch if we did build it. Colonel GOETHALS. That is all, and I do not know if you would ever get the ditch built. We have difficulties enough with a lock canal. I do not think we should attempt the sea-level.

The CHAIRMAN. What do you say as to the time required to make a sea-level canal?

Colonel GOETHALS. I would not even make a guess.

So his estimate of the lock canal now under construction is \$250,000,000, and he thinks the detailed estimate will show it to be less.

Mr. TILLMAN. Will the Senator tell us what book he is reading from?

Mr. LODGE. I have been reading from the stenographic report of the hearing before the House committee.

Mr. TILLMAN. I am glad to get more consolation from that than I got from the newspapers.

Mr. TELLER. Mr. President, the canal question is hardly a live one for us. Some time ago we determined that the canal should be built, and then we put the whole matter in charge of the President of the United States. Whether wisely or unwisely it was put there, and it is there now. Later the question came up whether we would have a sea-level canal or a lock canal. That was determined by Congress in favor of a lock canal. We do not know anything about the expenditures, except we know that we have to make the appropriations. Where the money goes, whether it is wisely distributed or not, we know nothing about, and we are not entitled to know. Congress voluntarily abandoned all supervision of the canal, directly or indirectly.

I want to say a word in reply to this gentleman who says there is not money enough in the country to build a sea-level canal. You can tell what a sea-level canal will cost with a great deal more precision than you can tell what a lock canal will cost. There is not an engineer in this country who is qualified to call himself an engineer in the profession, who can not sit down and tell what a sea-level canal will cost, and there is not one, and there never has been one, who can tell what a lock canal will cost. You have merely to cut a ditch for a sea-level canal. That is a disrespectful way of speaking of a canal. For this canal you have to build locks for which there are no precedents in the world. You have to build a dam under conditions such that no good engineer, in my judgment, will ever declare its construction to be feasible and practicable. I know it has been said, and said officially, by men connected with the canal, that if they had the power to determine for the same cost between a sea-level canal and a lock canal, they would take a lock canal; and the only thing they ought to have added, to make that statement complete, is that the more locks you have the better the canal would be. Any engineer who makes such a statement writes himself as disqualified to pass upon this great question.

A majority of the engineers of the world have on two occasions at least determined that a sea-level canal could be constructed; and it can be constructed, beyond a question. The President of the United States called together the engineers of this country and of Europe. A majority of them declared that a sea-level canal could be constructed. They made an estimate, not a very accurate one I will admit, but they made a general estimate of the cost. It was as accurate as any estimate that ever has been made of the cost of a lock canal. A majority of them decided in favor of a sea-level canal, but the President decided with the minority and concluded he wanted to build a lock canal. I do not want any discussion with a man who tells me that a canal which requires you to climb a mountain with your ship is better than one on the dead level from ocean to ocean, because he is either ignorant or unfair.

Mr. HOPKINS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Illinois?

Mr. TELLER. Certainly.

Mr. HOPKINS. I desire to suggest to the Senator from Colorado that the great majority of the American engineers were in favor of the lock canal, and the further investigation that has been made has simply confirmed the opinion of the American engineers on that subject. For a sea-level canal it is not simply necessary to dig a ditch, as suggested by the Senator from Colorado, but there is the Chagres River, a torrential stream, which the ingenuity of man up to date has been unable to control. Under the sea-level system—

Mr. TELLER. I did not surrender the floor to the Senator to make a speech. He can make his speech when I get through.

Mr. HOPKINS. I beg pardon.

Mr. TELLER. For more than twenty years this question has been before Congress. I have myself taken part in its discussion. I have studied every report made on the subject. I have given it as much attention as has the Senator from Illinois, and I say now that nothing has been demonstrated in an engineering way to justify any man in saying that a lock canal is better than a sea-level canal.

I should like to put myself on record here to-day, Mr. President, in order that some man some time may read it: In my judgment this canal will be an absolute failure if made with six locks, and will not meet the demands of commerce, which we ought to be under obligations to do if we take charge as we have taken charge of the canal. We have said that nobody else shall build the canal. We said to the French Government: "You may build the canal with the De Lesseps Company; but you shall not build it by France. If it is to be built by a company, we will not object; but no nation shall build it. We reserve the right to build it ourselves." When we took that position before the world we were in honor bound to build a canal that would meet the wants of commerce and would meet the judgment of the engineering talent of the world. It may be that a majority of the American engineers who were consulted declared that a sea-level canal was not so good as a lock canal, but every shipmaster who went before the committee without, I believe, a single exception declared that a sea-level canal alone would meet the demands of commerce.

Mr. President, up to the time when Congress determined to build the canal I had voted always every time I had an opportunity against the canal. I voted against it when three men voted against it, when four men voted against it, and when seven men voted against it. I said then the American people want to build the canal, they are able to build it, and as far as I am concerned I mean to vote every time for appropriations to build it. I mean to vote for such appropriations as will make it a success and not a failure.

There have been no such dams in the world as it is proposed to build on this canal. There have been no locks of the kind proposed to be built on the canal. There are no precedents for it. This was determined upon by the engineers that the Senator from Illinois [Mr. HOPKINS] now falls back on. They determined the size of the locks and their general character; and now we are told that we must increase the size of the locks. The business of shipbuilding has demonstrated now that the locks are too narrow. I have no hesitation in saying that the last thought is better than the first; that the locks ought to be increased both in length and in width. But if there had been proper attention paid to it, and if the right man had had hold of it, there would not be here, five years after, a suggestion that you shall now change your plan and build a different canal than you then declared was ample to meet the requirements of the commerce of the world for all time to come.

This is a more risky canal than a sea-level canal would be. It may cost a little less, but when it is done it will not have cost much less than a sea-level canal would have cost. This engineer who was before the committee, who now has the canal in charge, thinks it may cost \$250,000,000 over and above the purchase price, as I understand. That will make it cost \$300,000,000. I do not believe there is an engineer in this country who has sat down and examined the question who believes it can be built for \$300,000,000. But if it can be, it will be a second-class canal when it is completed. The world has had some experience in canals. Of course it has never had any experience with a canal like unto this. Somebody will tell you because up here on the Lakes we have a successful lock canal, you can have a lock canal climbing a mountain nearly a hundred feet high. The one lock up here on the Lakes is less than 20 feet in its lift. There is nothing in the one case as in the other. In Panama there are to be three locks, one above the other, and built in duplicate. Take a big ship, starting in the upper lock, and if it makes a slight movement it will go to the bottom of the canal and destroy the six locks. The risk is a hundred times greater in a lock canal than it is in a sea-level canal. With a pressure of 85 feet upon your bank, a little leak under the bank will leave you without a dam in a few hours.

I have not said this because I am opposed to making the appropriation; and in the short time I am to be here I expect we will appropriate at least \$100,000,000 more. My successor will vote for more than \$100,000,000 on top of that. If this canal is built within \$500,000,000 and you have a successful lock canal, you will disappoint the best engineering talent not simply in this country, but throughout the world. I do not believe anybody can tell what a lock canal will cost. I do believe you can tell what a sea-level canal will cost. But you are meeting obstacles in connection with your locks that nobody has



ever met with before, and nobody can tell what will happen. We do know if certain things should happen with your lock canal it is the end of the canal as an instrument of value to commerce for one or two years, or more.

I do not think it is of much consequence whether there is a newspaper published down there or not. If I believed it was a good paper I would be glad to subscribe for it myself, in order to keep in touch with the work as it goes on there; not that I want to criticize it, but I should like to know how rapidly we are approaching the completion of the canal. One man goes down there and spends two or three days looking it over and says the canal can be completed in five years, and another tells you in eight years. No living man can look at the canal and give any better judgment as to how long it will take than a man who has never seen it.

The great trouble we had with the Nicaragua route was that we never knew what a canal would cost, because we never had a unit to start with. We knew nothing about how large the locks would have to be. We knew nothing except the generalization of some engineers, who told us the canal could be built for \$65,000,000. We started in on the Nicaragua route with a canal which, had it been completed fifteen years ago, would not be worth \$100 to the commerce of the world to-day.

Mr. President, some of you will live to see this canal abandoned. Some of you will live to see a sea-level canal between the Pacific Ocean and the Atlantic. Then the great ambition of mankind will be accomplished. When the water shall flow from one ocean to another, and ships shall go unhindered by locks, then, and then alone, will the commerce of the world be satisfied with our efforts in this behalf.

Mr. PERKINS. Mr. President, I wish to call the attention of my friend, the Senator from Colorado, to the fact that the average rise and fall of the tide at Panama is 18 feet, and the spring tide is 21 feet. Therefore a sea-level canal must have double locks, certainly on the shores of the Pacific at the Bay of Panama.

Mr. TELLER. I wonder if the Senator from California thinks I do not know about the tides. I wonder if he thinks I have been here wrestling with this question for twenty-odd years and do not know what the tide is; whether I do not know how to prevent the high seas of the Pacific from ruining the canal. It is the simplest thing in the world, with one lock.

Mr. BACON. Mr. President, I do not desire to discuss the question of the relative merits of a sea level and a lock canal. I will take advantage of the opportunity, however, to say that I quite agree with the Senator from Colorado, and at the time when the matter was before the Senate I favored a sea-level canal. But there was one thing said by the Senator from Colorado which I do not think ought to be permitted to pass without dissent. The Senator asserted, if I understood him correctly, that we have surrendered the right to have any further control over the question of what shall be done in the construction of the canal, and that our sole duty is limited to the appropriation of money for its construction. From that proposition I most radically dissent, and I think it important that it should not pass without a dissent, because there is now too much of that disposition on the part of some officials of this Government. There is nothing done in obedience to law or in prosecution of anything authorized by law that is not within the control of Congress. Congress can withdraw, if need be, any authority it has given. I am not speaking about this particular matter, because, of course, there is no prospect or possibility of that; there is no thought of it. But Congress, the law-making power, is the authority which keeps its hand and its control on every Department of the Government and on every work of the Government done in pursuance to law. In fact, it has power and control over everything except some things which are devolved upon the coordinate branches of the Government by the Constitution, as to which they are not in a sense accountable to Congress. But even there the final account is to Congress, and I am unwilling that the present disposition to assume an authority independent of and superior to the control of Congress should be encouraged by any word that I may utter or any assent that I may give to words uttered by another in that regard.

Of course, I do not suppose the Senator from Colorado really means the full import that could be gathered from his words, and that he simply meant to criticize the action of Congress in having surrendered, to the extent which it has done, the practical work of the construction of the canal. Certainly from nothing that has been done by Congress can there be legitimately deduced the conclusion that Congress has surrendered the right to itself control in every department and in every particular.

Mr. TELLER. Mr. President, I do not mean to say, and I

did not say, and no inference can be drawn of that kind, that Congress could not take charge of the canal. The Senator from Georgia knows that there has never been any effort to control it in the slightest degree except to make the appropriation of which I spoke. When we abandoned the management of the canal to the President of the United States we left it there, and it is there now, and the Senator knows just as well as he knows that he is a Senator from Georgia that no bill can be passed now to take it out of the hands of the President. So it is practically there, and it is a waste of time to criticize him with the management there. If there is any fault, it is with Congress for having abandoned its control over it, for the time being at least.

Mr. CULBERSON. Mr. President, just a moment more with reference to this matter.

Several statements have been made as to the character of this publication on the Zone, rather varying, coming from different Senators. I happen to have the issue of January 1, 1908, copied in the hearing before the Senate committee. I had myself made some statements about the character of this publication, calling it a newspaper with comments, not being confined to mere statements of the work done on the canal. That statement was in a sense disputed.

I shall ask that this copy of what is called the "Canal Record," published free, weekly, under the authority and supervision of the Isthmian Canal Commission, be printed in the CONGRESSIONAL RECORD, so that the people of the country may know that they are supporting a real newspaper on the Zone.

Mr. President, I will not attempt to analyze the contents, but I call attention to the fact that there is an article in it from the Rev. M. Britton King, superintendent of the Wesleyan Methodist Mission, as to the work done among the negroes in that locality. Some people will be interested to know that he states there that "all the negro women were dressed in white gowns, petticoats, kerchiefs, and caps, and the men as neatly." There is also a chapter devoted to social life. There are also personal paragraphs stating what is going on socially. Among others it says:

Miss Edith Slifer—

I desire to have this go in the RECORD at this place, because it deserves to be there—

Miss Edith Slifer, daughter of the general manager of the Panama Railroad, who came to the Isthmus to spend Christmas at Colon with her parents, sailed for New York on December 26, on the *Dunottar Castle*, accompanied by her friends, Miss N. Stull and Miss Vera Bergman. The Misses Margaret and Mary Slifer, who have also been spending Christmas at Colon, returned to New York on the *Finance*, which sailed from Cristobal on December 31.

There is another statement, and I pick out these because they strike me more favorably than some of the others—

The Ancon club held its business meeting on New Year's morning at 8.30 in the sun parlor of Hotel Tivoli. The committee on the dance to be given by the club announced that the only available date for the Tivoli ballroom is February 29. The ball will be a flower dance, and the ladies will appear in costume, each representing a flower. Invitations will be extended to other clubs in the Zone. The committee will have the arrangements completed in a short time.

Attention is called to the Ancon Amusement Association, and the members of the committee are referred to.

Mr. President, there is another item here which will be interesting to all Southerners. It is headed "Circus on the Isthmus."

#### CIRCUS ON THE ISTHMUS.

Shipp's Great American Circus, which has come to the Isthmus by the way of New Orleans, opened at Colon on December 28, with its "old-fashioned circus" performance, remaining there three days. It opens in Panama on the evening of January 1, continuing for eight nights and a Sunday matinee. It will go next to Empire for two or three performances, and then go to Gorgona for one or two.

We have in the publication an article about the advance of Christianity on the Zone, and an advertisement that a circus will appear Sunday afternoon in a matinee! I only call attention to these few excerpts to show the character of the paper, which is somewhat different from that indicated by my distinguished friend from Maine.

Mr. TILLMAN. Will the Senator from Texas yield for a question?

Mr. CULBERSON. Certainly.

Mr. TILLMAN. The Senator seems to have received this valuable publication. I have not been honored with a copy, but some Senator told me that it was being franked. I should like to know whether that is done according to law or whether it is an assumption of authority.

Mr. CULBERSON. I think it is being received by Senators who are members of the Committee on Inter-oceanic Canals. I myself have received a number of copies. I do not recall whether it is franked or not, but I happened to have this copy of January 1, 1908, which was printed in the hearings before the Senate committee, and I want it entered in the RECORD as my

answer to the suggestion on the other side of the Chamber as to the character of the publication.

The VICE-PRESIDENT. Without objection, permission is granted to print the paper in the RECORD.

The matter referred to is as follows:

#### CANAL RECORD.

[Seal of the Canal Zone, Isthmus of Panama.]

[Volume 1. Ancon, Canal Zone, Wednesday, January 1, 1908. No. 18.]

#### THE CANAL RECORD.

[Published weekly under the authority and supervision of the Isthmian Canal Commission.]

The Canal Record is issued free of charge, one copy each, to all employees of the Commission and Panama Railroad Company whose names are on the "gold" roll. Extra copies can be obtained from the news stands of the Panama Railroad Company for 5 cents each.

Address all communications the Canal Record, Ancon, Canal Zone, Isthmus of Panama.

#### NOTES OF PROGRESS.

##### ARRIVAL OF THE CULEBRA.

The seagoing suction dredge *Culebra* arrived at La Boca on the morning of December 28 after her long voyage of 12,000 miles. She is a sister dredge of the *Ancon*, which was described in the Canal Record of October 9. She sailed from Sparrows Point, Md., on the morning of October 9, with a crew of 53 men, in command of Captain Helliksen. Previous to her departure the hopper doors were sealed and covered with cement in order to make them water-tight, and the hoppers filled with coal as a reserve supply and as ballast. Heavy weather was encountered for the first few days out, and on the fourth day she ran into a hurricane lasting about eighteen hours, but she proved herself a good sea boat and no damage was sustained. Barbados was reached on October 19, where coal and provisions were obtained. She sailed from there October 20 and had fine weather to Pernambuco, Brazil, where she arrived October 30. After coal and stores had been obtained she sailed November 4 and had fine weather until within 200 miles of Montevideo, when a heavy southeast gale was encountered, lasting for about twelve hours. Montevideo was reached November 13, where four days were spent in coaling and securing provisions. She sailed on November 17 and had fine weather until Cape Verde was sighted, when she ran into a heavy southwest gale and anchored off the cape on November 23. During the gale the starboard anchor was lost. She left Cape Verde the next day and ran down to Possession Bay, Straits of Magellan. On November 25 she proceeded to Gregory Bay and anchored there for the night, and the next day, November 26, arrived at Punta Arenas. Coal and provisions were obtained and on November 30 she sailed, encountering very bad weather from the Straits of Magellan to Coronel, Chile, where she arrived December 7. Coal could not be obtained there on account of the heavy swells beating into the harbor and the voyage was continued to Valparaiso, where she arrived December 9. After coaling and provisioning she sailed on December 11, and had fine weather to Callao, Peru, which was reached on December 17. After again laying in a supply of coal and provisions she sailed for La Boca. The entire trip lasted eighty days, of which sixty-one were spent at sea and nineteen at the various ports en route. The average speed for the trip while at sea was about 9 knots per hour, and on her official trial trip in Chesapeake Bay she made a record of 9.88 knots per hour in a 90-mile trial run.

##### NOTICE TO EMPLOYEES.

Employees should understand that in order to receive payment on account of illness or injury under the regulations of the Commission, it is necessary to present themselves at a dispensary for treatment, or have a physician visit them in quarters in all cases where they are detained from their duties. Under the Chairman's circular, No. 144, which was published in the Canal Record of October 2, the physician's certificate must state specifically that the illness was contracted through no fault of the employee, and it is obvious that such certificate can not be given unless the physician has personal knowledge of the employee's condition.

This is published for the information of all employees, in view of the criticism to which physicians have been unjustly subjected for refusing to furnish certificates in cases where they were not consulted by the employees.

##### TWO MORE USABLE FRENCH BARGES.

The sanitary department has recently called the attention of the Chief Engineer to two 75-ton coal barges lying in the Rio Grande where they had been abandoned by the French company. They are about one-half mile below the point at which the Panama Railroad crosses the canal prism near Pedro Miguel and are similar to the one taken apart and conveyed by railroad to La Boca and rebuilt, as described in the Canal Record of November 13.

These barges are in fairly good condition and can be economically rebuilt. They are at present full of water caused by the rains of the recent wet season. The water will be pumped out and the decks housed over during the coming dry season, and at the next rainy season an effort will be made to float them to the shipways at La Boca, as they are too far away from the railroad to be taken there by train. It is thought it will not be a difficult matter to float them out during high water in the river.

Because of the special design of these old French barges they have the same advantages as ships built with a double bottom and are structurally very strong and practically unsinkable. The space between the bottom of the barge and the bottom of the hold, with the lateral bulkheads, forms air-tight compartments, so that if a hole were knocked in the hull by a collision, or even if the hull itself were cut in two the barge would float. This feature of construction has proved its usefulness on several occasions.

##### CULEBRA ISLAND QUARANTINE STATION.

A permanent Canal Zone quarantine station is being established on Culebra Island, in Panama Bay, for use at the Pacific entrance of the canal. It will be composed of ten buildings, which are now in course of erection, and which will be used as follows: Building No. 1 for the general detention of cabin passengers; No. 2 for the general detention of steerage passengers; No. 3 for women steerage passengers and attendants; No. 4 for station attendants' quarters; No. 5 for a plague laboratory; No. 6 for a laundry, and Nos. 7 and 8 as isolation wards for suspicious cases of infectious or contagious diseases. Building No. 9 will be the superintendent's residence.

A double system of water supply will be provided for the island.

Salt water will be pumped directly from the sea to a 50,000-gallon tank located on the near-by island of Naos, from which a 6-inch water main will be laid under the narrow strait separating the islands and leading to all the buildings, furnishing ample sanitary and fire protection. The fresh-water supply will be obtained from the rainfall. Gutters on the eaves of the buildings will be connected with pipes, which will carry the water to two tanks, with a combined capacity of 100,000 gallons, located near the pump house (building No. 10). These tanks are so arranged that in case of necessity fresh water, brought in barges from La Boca, can be pumped into them. This fresh water supply will be used only for cooking and other necessary purposes, the main supply being salt water, as stated above.

On account of the rise and fall of the tide at this point, which amounts to about 20 feet, a wharf of such construction will be built as to render it available at all stages of the tide. It will consist of two bridge spans, each 55 feet long. One end of span No. 1 will be fastened to the shore abutment by a hinge joint. The other end will rest upon a float or pontoon held in position by guide piles, and will follow the vertical movement of the water until the tide is half out, when a cross beam on the pontoon will rest upon a support on the guide piles and will prevent further downward movement of the pontoon and of the inshore span. One end of span No. 2 is also secured to the same pontoon, the other end being on another pontoon, 20 by 50 feet in size and about 6 feet deep, which will form the wharf landing. This second pontoon will also be held in place by guide piles and will follow the total vertical movement of the tide. At extreme low water the wharf will have a grade of about 10 per cent from the landing to the shore, and as there will be 15 feet of water at the end of the wharf at extreme low tide, steamers connected with the quarantine service will always be able to make a landing.

The plan of this wharf is a modification of the landing used by ferries in the States. It is not known, however, whether a wharf of this character has ever before been attempted where there was such an extreme tide, but it is believed that this simple solution of the case will accomplish the desired purpose at a minimum cost. All the material for building the wharf is on the ground and all the steel and iron needed in its construction consists of old French material found on the Isthmus.

##### HIGHEST DAILY SHOVEL RECORDS.

The subjoined table gives the highest daily records of steam shovels in the Department of Excavation and Dredging from December 1 to 24, inclusive:

Shovel No.	Date.	Location.	Amount of material removed (cubic yards).	Kind of material.
221	Dec. 3	Bas Obispo	1,900	Rock and earth.
116	do	do	1,788	Do.
205	Dec. 21	Empire	2,140	Do.
126	Dec. 4	do	1,164	Do.
222	Dec. 18	Culebra	2,072	Do.
128	Dec. 2	do	1,960	Earth.
211	Dec. 13	Pedro Miguel	3,164	Soft rock.
110	Dec. 6	do	1,900	Earth.
103	Dec. 13	Mindi	1,334	Rock and earth.
115	Dec. 21	San Pablo	1,450	Do.
54	Dec. 20	Caimeto Mul	1,030	Earth.

Shovels in the one-hundred class are 70-ton shovels with buckets of a capacity of 2½ cubic yards. Shovels in the two-hundred class are 95-ton shovels with dippers of a capacity of 5 cubic yards. Shovels in the fifty class are 45-ton shovels with dipper capacity of 1½ cubic yards. The shovels are under steam for eight hours per day, but are not actually worked during this entire period, time being lost by the necessity of moving the shovel forward, blasting stone too big for the shovel to handle, keeping the shovel supplied with cars, etc.

##### GATUN STEAM SHOVEL WORK.

The maximum daily output for the week ending December 21 was made on Friday, 20th instant. The amount excavated was 7,174 cubic yards, car measurement, being an average of 1,435 cubic yards per shovel.

For the same period there was loaded by steam shovels Nos. 113 and 114, at the spillway, 18,178 cubic yards, car measurement. The largest day's loading for both shovels was on the 21st, when 3,622 cubic yards were taken out. Steam shovel No. 114 made the largest output for any one day during the week, loading 2,016 cubic yards on the 21st.

##### DREDGING AT LA BOCA.

The maximum daily output by the three dredges of the La Boca dredging division for the week ending December 28, scow measurement, was as follows: December 27, dredge A 2, 6,772 cubic yards; December 28, dredge 14, 7,012 cubic yards; December 26, dipper dredge, 4,480 cubic yards. The total output of each of the three dredges for the same period was, dredge A 2, 29,205 cubic yards; dredge 14, 24,882 cubic yards; dipper dredge, 20,160 cubic yards. The total output from December 1 to December 28 was, dredge A 2, 143,024 cubic yards; dredge 14, 130,797 cubic yards; dipper dredge, 59,590 cubic yards.

##### TAMPERING WITH FIRE OR WATER SUPPLIES.

The special attention of employees and all other persons concerned is called to the following section of the "Rates, rules, and regulations governing the use of water on the Canal Zone," which were adopted by the Isthmian Canal Commission on October 28, 1907:

"No person, or persons, shall remove, obstruct, injure, molest or otherwise tamper with any fire hydrant, standpipe, fire plug, tank, hand-grenade, fire extinguisher, hose, hose reel, cart, engine, harness, valve, box or cover, stop cock, stop box or cover, or any other tool, fixture, apparatus, pump, machinery, or building of any kind whatsoever connected with or necessary to the proper and efficient operation of the water systems, or for fire protection within the Canal Zone; nor shall any person, or persons, willfully or otherwise, misuse or waste, or cause to be misused or wasted, water supplied from the water mains owned and operated by the Isthmian Canal Commission and the government of the Canal Zone. Any person, or persons, violating any provision of this section shall be deemed guilty of a misdemeanor, and upon conviction, shall be punishable by a fine of not less than \$5 nor more than \$25, or by imprisonment for a term not exceeding thirty days, or by both such fine and imprisonment: *Provided, however,* That the provisions of this section shall not apply to firemen in the regular discharge



of their duties and duly authorized representatives of the Division of Municipal Engineering."

"CONTRACTOR" INSTRUCTED.

To the Editor of the New York Herald:

In reply to an article signed "Contractor," dated November 8, 1907, criticising the amount of earth and rock excavated during October, 1907, from the Isthmian Canal as ridiculously enormous, I would like to inform him that steam shovel No. 103, located at Mindi, Canal Zone, October 8 (the month he mentions), excavated 1,419 cubic yards of rock and earth, and on October 23 excavated 1,950 cubic yards of rock and earth. The bank this shovel was working in contained 17 feet of rock and 7 feet of earth.

Shovel No. 103 is of the 70-ton class with a dipper capacity of 2½ cubic yards. I personally saw this shovel perform the above work on both days, and I know that it was done in a working day of eight hours.

We cordially invite Mr. Contractor to come down on the Isthmus and spend a week with us and we will show him how to make the dirt fly and also convince him that we are earning all Uncle Sam pays us and have no place for drones here. The boys can grumble here, like Contractor does, but it is because they can not get more dirt out, and that would be almost an impossibility, but we will try to overcome impossibilities and keep up the old American record for activity during the dry season.

Contractor must also remember and take into consideration that this work was performed during the height of the rainy season. We would be thankful if Contractor would give us credit for what we do instead of trying to hold us up to ridicule. We are away from home, but still Americans, and the laugh is on him.

EMPLOYEE MIND.

GATUN, C. Z., December 6, 1907.

ONE HUNDRED DOLLARS (GOLD) REWARD.

The above reward will be paid by the Isthmian Canal Commission for the arrest or apprehension, or for information that will lead to the arrest or apprehension of Blas Martinez, who is wanted by the Canal Zone police authorities for the crimes of murder and rape, committed in Las Savannas, Canal Zone, on December 19, 1907. The description of Martinez is as follows:

Nationality, Colombian; age, 44 years; color, dark brown; eyes, dark brown; hair, black and curly; height, 5 feet 6½ inches; weight, about 140 pounds; nose, very flat; speaks Spanish and some English.

Marks, scars, etc.: Scar 1½ inches long on left center of forehead; scar 1½ inches long, left of left eye; circular scar above left cheek; scar one-half inch long right of right eye; circular scar 1½ inches below right eye; part of right ear missing.

Tattoo marks: Anchor 1½ by 2 inches and letter "M" on left breast; scar 1½ inches in diameter, with letter "B" on right breast; letters "L. M." and a fish on left forearm; inverted letter "M" and star 1½ inches in diameter, and a heart with a sword through it tattooed on left forearm.

Information relating to Martinez should be immediately communicated to the chief of police, Ancon, Canal Zone.

GEO. R. SHANTON,  
Chief of Police.

Approved: D. D. GAILLARD,  
Acting Chairman Isthmian Canal Commission.  
ANCON, December 28, 1907.

TWO HUNDRED DOLLARS REWARD.

On December 23, 1906, Paul Chung, a Chinaman, was murdered at Paraiso, by being struck on the head with some blunt weapon. The perpetrator of the crime has never been discovered. Some of the circumstances surrounding the murder are similar to those connected with Philip F. Kramer, at Paraiso, on December 16, 1907, for which \$500 reward has been offered. Relatives of Paul Chung offered a reward of \$200 for information leading to the arrest and conviction of the murderer, which reward is in the hands of the chief of police and still remains good.

ESCAPED MURDERER CAPTURED.

Prisoner John Hughes, who on December 20 escaped from his guard while being taken from his cell to the mess hall at Ancon police station, was recaptured by the police in Las Sabanas on December 27. Hughes is a prisoner who is wanted on the charge of murder in the State of Florida. He is a large, powerful man, and was captured only after a long run and rough-and-tumble fight.

Hughes will be sent at once to New York in charge of a Zone police officer. Upon the arrival of the boat he will be turned over to the proper authorities, who will take him to Florida to stand trial for the murder of which he is accused.

WESLEYAN METHODIST MISSION.

WORK DONE AMONG THE NEGROES IN THE ZONE AND AT PANAMA AND COLON.

[By the Rev. M. Britton King, Superintendent.]

The Wesleyan Methodist Church on the Isthmus of Panama is a branch of that church in the West Indies and is included in the Jamaica district, which is under the direction of the missionary committee of the English conference.

This church, together with the Methodist Episcopal Church, owes much to the zeal and ability of the great missionary bishop, Dr. Thomas Coke. Doctor Coke was a gentleman commoner of Jesus College, Oxford, who was associated with the Rev. John Wesley in his evangelistic work and who in 1784 was appointed superintendent of the Methodist Church in America. On one of his voyages to the United States, accompanied by three ministers, they were driven so far out of their course by a gale that when land was sighted it proved to be the island of Antigua, one of the British West Indies, where they landed on Christmas Day, 1786. Here they found a warm welcome, for although there was no resident minister, Methodism had already taken root there. A wealthy planter of the island while on a visit to England several years previously had come under the influence of Wesley's preaching, as had also several of his slaves, and as a result of the missionary work done by them after their return home about 2,000 people had embraced the Methodist faith. It was early in the morning when Doctor Coke and party landed, and he met many of the people going to the 5 o'clock Christmas service. This custom is still maintained, and the early service Christmas morning is one of the best attended of the year throughout the West Indies. Doctor Coke was much impressed with the congregation and said in his letters that it was "one of the cleanest audiences I ever saw. All the negro women were dressed in white gowns, petticoats, kerchiefs, and caps, and the men as neatly."

When Doctor Coke left the island to resume his voyage to the United States an illustration was given of the generosity of the people toward their ministers. "Seed cakes, sweet biscuits, oranges, and bottles of jelly were brought in such abundance," said Doctor Coke, "that although I shared them freely with my fellow passengers, we had not disposed of half their store when the eighteen days' voyage ended." So impressed had Doctor Coke been with the conditions there that he left the three ministers who had accompanied him in the West Indies. One was stationed at Antigua, another at St. Vincent, and the third at St. Christopher. The work spread rapidly to the other island colonies of Great Britain and to those of France, Holland, and Denmark, and in course of time to the republics of Spanish Honduras, Haiti, Santo Domingo, Nicaragua, Costa Rica, and Panama.

Organized work on the Isthmus of Panama by the Wesleyan Methodist Church was started in 1882, the year of the earthquake, and the twenty-fifth anniversary of the founding of the mission was recently held.

A line of mission stations was established, including Colon, Gatun, Lion Hill, Bohio, Frioles, Empire, Pedro Miguel, and Panama. The mission at Colon was originally known as the Taylor mission, so named because it owed its inception to Bishop Taylor, whose missionary labors were attended with great success in many lands. Day schools were opened; but these, with the exception of those at Panama and Colon, have since been closed on account of the formation of the Canal Zone government schools. Sunday schools at the mission station are still continued and there are about 30 teachers and 550 scholars enrolled, with an average total attendance of about 400. There are at present two ministers of this church on the Isthmus, one residing at Panama and the other at Colon, who make frequent visits to the mission stations in the Zone, and a staff of sixteen lay preachers, all negroes, who hold services regularly at these places. There are young people's societies at Panama, Colon, and Empire that are doing much good. At Cana, where the Darien Gold Mining Company's operations are located, a catechist cares for the religious and educational needs of the people. The buildings at Panama, Colon, Frioles, Lion Hill, and Gatun are the property of the church; those at Pedro Miguel, Empire, and Bohio were loaned by the French company, which courtesy has been continued under the present Isthmian Canal Commission. A few months ago the schoolroom at Colon was destroyed by fire, and unfortunately the loss was not covered by insurance, but an effort is being made to rebuild it. In Panama the foundation of a new church was laid about nine years ago, but adverse circumstances caused a cessation of the work. Building operations have again been started, and a stone church 70 by 40 feet is in course of erection, the corner stone of which was laid on New Year's Day, 1908. A plan for a new church at Colon is also under consideration.

A large majority of the members of this church on the Isthmus are natives of Jamaica and other islands of the West Indies, and are employed by the Isthmian Canal Commission or the Panama Railroad Company. There are about 750 communicants on the church registers and about 3,000 adherents over whom the ministers have pastoral charge. Frequent visits are made to the various hospitals of the Commission, and there are numerous letters that come from anxious relatives and friends in regard to persons on the Isthmus that require much attention and time. Practically all the work in connection with these mission stations is financially self-supporting, as it has always been the policy of this church to inculcate among its members the duty and privilege of self-help in regard to supporting its various benevolent enterprises. In this way the interest in and concern for the progress of the work has been maintained.

A few years ago the then existing political conditions nearly brought about the suspension of the work. Services could only be held occasionally and at great personal risk, as several of the ministers were under fire at various times. Now, under the blessings of a more settled form of government, services are regularly held and the work is carried on with no interruption from political causes.

PERSONAL.

Owing to the recent change in plan for the locks and dams at the Pacific end of the canal, Mr. Sydney B. Williamson, division engineer, has moved his office from La Boca to Corozal, and all communications should be addressed to him there.

Mr. F. H. Newell, Director of the United States Reclamation Service, who has spent several days in visiting different parts of the work on the canal, returned to New York on the *Dunottar Castle*, which sailed from Cristobal on December 26.

Miss Edith Slifer, daughter of the general manager of the Panama Railroad, who came to the Isthmus to spend Christmas at Colon with her parents, sailed for New York on December 26 on the *Dunottar Castle*, accompanied by her friends, Miss N. Stull and Miss Vera Bergman. The Misses Margaret and Mary Slifer, who have also been spending Christmas at Colon, returned to New York on the *Finance*, which sailed from Cristobal on December 31.

Dr. and Mrs. T. C. Lyster, of Ancon Hospital, returned to the Isthmus on the *Finance*, which arrived at Cristobal on December 26.

Mr. M. J. Stickel, secretary of the Y. M. C. A., at Cristobal, sailed on the *Dunottar Castle* on December 26 for a six weeks' leave of absence in the States. During his absence Mr. F. C. Freeman, traveling secretary of the Y. M. C. A., will have charge of the clubhouse at Cristobal.

Mr. Paul Stanley Erricson, of the office force of the Hotel Tivoli, and Miss J. Irene Trau were married in Ancon on the afternoon of December 24. Mr. and Mrs. Erricson will reside at the Hotel Tivoli.

CIRCUS ON THE ISTHMUS.

Shipp's Great American Circus, which has come to the Isthmus by the way of New Orleans, opened at Colon on December 28, with its "old-fashioned circus" performance, remaining there three days. It opens in Panama on the evening of January 1, continuing for eight nights and a Sunday matinee. It will go next to Empire for two or three performances, and then go to Gorgona for one or two.

COMMISSION CLUBHOUSES.

The bowling match at Culebra on Christmas Day resulted in a victory for Lamster and Vogel, of Culebra, in the two-men team contests, they having a total pin fall for the three games rolled of 1,202. Winters and Roberts, also of Culebra, were second, with a pin fall of 1,131. The individual event was won by Durand, of Empire, with a score of 580 for the three games, with Vogel, of Culebra, second, with 588. Lamster, of Culebra, scored 243, thus winning the high-score prize. Contestants were entered from Cristobal, Empire, Gorgona, and Culebra. A new class in Spanish will be started Wednesday, January 8, under the instruction of Mr. Bernard Beckerlegge. The last three terms have been very successful.

Both chess and pool tournaments are advancing rapidly and are bringing forth some admirable latent talent and many surprises.

Saturday, December 21, the Cristobal Y. M. C. A. basketball team was defeated by the Y. M. C. A. team from Gorgona by a score of 33 to 29. The game was clean-cut and snappy from start to finish. A debating club, recently organized and known as the Senate, is creating a considerable interest among the Y. M. C. A. members. Judge Thomas H. Brown, jr., is acting president, and under his leadership the men expect to settle many weighty questions.

#### SOCIAL LIFE OF THE ZONE.

##### THE BEST CHRISTMAS CELEBRATIONS SINCE AMERICAN OCCUPATION.

Christmas, 1907, will be remembered on the Zone as the merriest Christmas since American occupation. Social and domestic life are so well developed and organized that the community Christmas entertainments were successfully carried out, and great satisfaction is felt by those who had them in charge. Especial attention was paid to the children, and the entertainments in which they took part were appropriate and interesting, while gifts were numerous. A generous Christmas spirit was manifested, everyone contributing in one way or another to their success. Nearly all the celebrations took place on Christmas eve, though some were deferred until later, thus making the holiday week one of pleasurable anticipation and excitement for the little ones.

At Cristobal on Christmas eve, the Union church, the woman's club, the day school, and the Y. M. C. A. joined together in giving an old-fashioned Christmas party in the Commission clubhouse to the children of Cristobal. Santa Claus was there in all his glory and gave presents to the children from a genuine Christmas tree brought from the States. About 500 people were present, and after the exercises were completed popcorn, candy, nuts, and orangeade were served in the reading room, and music was furnished by the Canal Zone band. It was a Christmas eve long to be remembered.

The community of Gorgona celebrated Christmas enthusiastically, the united efforts of the Y. M. C. A., the Sunday school, and the woman's club having been put forth to make it memorable. The entertainment was given in the Commission clubhouse. The committee in charge was L. F. De Montrency, Henry E. Daly, and John J. Easton, of the Y. M. C. A., assisted by a committee of the woman's club and teachers in the public schools. The program committee of members of the woman's club, consisting of Mrs. Jack Fogerty, Mrs. C. Pierson, Mrs. R. C. Goodale, Miss Laura Faxon, and Mrs. Ralph Wolf, had charge of the drilling of the children. The decorating committee, Mrs. Jack Eason, Mrs. Bergstrom, and Mrs. Johnson, had charge of the tree and the decorations of the room. The tree was beautifully trimmed with the usual Christmas decorations and, in addition, a number of small colored electric lights. The children gave the entire program of 29 numbers, lasting an hour and thirty minutes, which wound up with a tableau, composed of six children watching for Santa Claus before an open fireplace, through which came Santa Claus (Mr. Frank Morrison) with a jingle of bells. After a short speech the presents were distributed. Each child received a toy, a tariton stocking filled with apples, oranges, nuts, and raisins, and a house box filled with candy. There were about four hundred people present. The Christmas tree was afterwards turned over by the committee to the people of the colored church. On Christmas night the committee finished distributing presents by giving out two barrels of apples and a half barrel of oranges from the steps of the Commission clubhouse to the native children of the town. The work of the woman's club had much to do with the success of the entertainment. The purchasing committee in the States was composed of Miss Helen Varick Boswell, of the National Civic Federation, and Mr. John M. Glover, international secretary of the Y. M. C. A.

The Christmas entertainment at Empire, given by the Y. M. C. A. at the Commission clubhouse on the evening of December 24, was a decided success from every point of view. There was an excellent program rendered by the Ernest Gamble Concert Party and the school children. The portion rendered by the children consisted of the following: March and drill, led by the master of ceremonies, Master Bun Davies; vocal selection, Miss Eva Harris; address of welcome, Miss Lucy Stuntz; piano solo, Master Cleland McDevitt; recitation, Miss Elizabeth Pickens; choral selection. The most exciting part of the program was the arrival of Santa Claus and his distribution of the hundred Christmas stockings to the children present. Many other presents were also distributed.

On Christmas eve, at Culebra, the Sunday school, assisted by the woman's club and Y. M. C. A., gave a very enjoyable entertainment for all the children of Culebra. A tree sent from the States, and appropriately decorated, was the center of attraction, and added materially to the enjoyment of the evening. A program of songs, recitations, and drills by the children was presented, together with a visit from Santa Claus and the distribution of gifts.

The tree and entertainment at Pedro Miguel was held on Christmas eve, being arranged under the auspices of the Pedro Miguel Social and Recreative Club. A committee, consisting of Mesdames Barnes, Waters, Hobby, and Henderson, of the women's club, and Messrs. Henderson, Palmer, Pendry, Hobby, Bergeman, and Oldfield of the social club, was in charge of the arrangements. The center of interest was the Christmas tree, the gift of Mr. and Mrs. W. Henderson, which was attractively festooned with the usual Christmas decorations. About thirty children took part in the program and sang school songs and carols. The tree was lighted early in the evening and the gifts distributed, after which supper was served. Later in the evening a dance was given by the club, which lasted until a late hour. Special trains were run from Paraiso and Corozal. The club rooms were beautifully decorated. An elaborate supper was served at midnight and a delightful evening was enjoyed by all present. On the same evening a smoker was given by the bachelors at Paraiso.

The Sunday school of St. Luke's Church, Ancon, held its celebration, December 29, in the Protestant chapel in the hospital grounds. The celebration consisted of a short service and a short address by the chaplain, Archdeacon Bryan, the singing of carols by the children, and the distribution of gifts. All the children of Ancon, La Boca and Corozal were invited, and the attendance was good. There will be a service at this chapel on New Year's morning at 10 o'clock.

The Cristobal Club held its regular business meeting December 27, the president, Mrs. Lorin C. Collins being in the chair.

The club is making preparations for the Federation meeting on January 4 and will entertain the officers and delegates of the visiting clubs at luncheon at the Commission Hotel. In order to make the recognition of delegates more simple, it is desired that each delegate wear a badge upon entering the hall.

The Gorgona Woman's Club held its regular meeting December 26. In the absence of the president, Mrs. D. E. Hayes, secretary, presided. The meeting in the regular order should have been for the quarterly election of officers, but in the absence of several members and officers the elections did not take place.

The Las Casendas Club held its regular meeting in the club room December 26. The entertainment committee served refreshments, and as a surprise, presented each member of the club with a little plate as a Christmas remembrance. The club has been actively preparing for the bazaar, which was held December 31. A general invitation to attend this entertainment had been extended and the attendance was satisfactory. The club did not have a share in the Christmas celebration, as trees were given by two other local organizations, both occasions being much enjoyed by the school children and others of the community. Members elected to attend the Federation meeting at Cristobal are the president, Mrs. Randall, Mrs. Lynn, Mrs. Drysdale, and Mrs. Boregard. It will be remembered that this club was not formed until after the organization of the Zone Federation of Women's Clubs, and it is not, therefore, a member of that body. Application for membership will be made at the coming meeting.

The Empire Woman's Club held its regular meeting December 19 with an unusually large attendance. The president, Mrs. F. W. Miracle, was in the chair, and the business proceeded in regular order. The application of ten resident women for admission to the club raises the membership list to nearly sixty. The meeting was a social one and the afternoon was spent informally. Refreshments were served by the committee under the chairmanship of Mrs. George T. Burnett. Mrs. E. Beck, the vice-president of the club, has returned to Empire after a short visit to Cristobal.

The Pedro Miguel Woman's Club has resumed activity and is enrolling new members at every meeting. A "clipping" social was given by the club December 21, which was very successful. After the sale of the "clippings," which netted a good sum for the benefit of the organization, supper and dancing were enjoyed by those present. The club will give a Japanese tea in honor of the Paraiso Woman's Club January 8. In the list of the club officers given by request in the last issue of the Canal Record, the name of the secretary of this club was not included. Mrs. H. W. Shick has been elected to that office.

The Ancon club held its business meeting on New Year's morning at 8.30 in the sun parlor of Hotel Tivoli. The committee on the dance to be given by the club announced that the only available date for the Tivoli ballroom is February 29. The ball will be a flower dance, and the ladies will appear in costume, each representing a flower. Invitations will be extended to other clubs in the Zone. The committee will have the arrangements completed in a short time.

#### ANCON AMUSEMENT ASSOCIATION.

##### FIRST STEP IN THE FORMATION OF A NEW ORGANIZATION.

The following invitation was circulated among all the residents of Ancon and Ancon Hospital:

You are invited to attend a mass meeting in the parlor of the Hotel Tivoli on Friday evening the 27th instant, at 8 o'clock, for the purpose of forming an amusement and improvement association for the benefit of the I. C. C. employees, and their families. It is earnestly hoped that all the employees of the I. C. C. quartered at Ancon, and Ancon Hospital, whether bachelor or married, will attend.

TOM. M. COOKE,  
JOSEPH BUCKLIN BISHOP,  
GEO. R. SHANTON,  
H. D. REED,  
W. C. GORGAS,  
J. G. HOLCOMBE,  
W. E. DEEKS,

Committee.

Pursuant to this call, about a hundred persons assembled in the parlor of the Hotel Tivoli on Friday evening. Col. Tom M. Cooke was unanimously chosen chairman of the meeting, and Mr. J. P. Avis, secretary. A prepared statement was read setting forth the purpose of the meeting, which in substance was, that as there was no association or club in the vicinity to procure amusement for the employees stationed there, it was considered advisable to form an association of the broadest scope possible, which could secure any and every form of entertainment which could amuse or improve the conditions of living. Such an association should arrange not only for indoor but outdoor entertainments, and all employees of the Isthmian Canal Commission and the Panama Railroad on the gold roll should be eligible to membership.

The chairman announced that in order to bring the subject properly before the meeting for discussion, a motion should be made.

Accordingly Mr. H. D. Reed moved that an Ancon Amusement and Improvement Association be formed. Several gentlemen spoke very enthusiastically in favor of it, among them Doctor Gruver and Mr. Lipsett, both stating that they thought such an association necessary, and that its scope should be of the broadest kind possible.

Judge Gudger favored an association so broad that it could provide any and every kind of amusement not forbidden by law. After further speeches, the motion was unanimously carried. It was then moved and seconded that the chair appoint a committee of nine, to include the chair, to draft a constitution and by-laws for the association, and that an adjourned meeting should be held on Saturday, January 4, at 8 p. m., in the parlor of the Hotel Tivoli, for the purpose of receiving the report of said committee and forming a permanent organization.

This motion having been carried, the chair announced that he would nominate the members of said committee later, as he considered it such an important thing that he desired to carefully consider the men selected.

A motion was then made and carried that the chair appoint a small committee to act as canvassers for the purpose of securing additional members who were not present at the meeting. In accordance with this motion the following gentlemen were appointed: Capt. George R. Shanton and Mr. J. M. Maguire, for Ancon and Panama; Mr. A. C. Harper and Mr. J. St. C. Hunt, for La Boca and East La Boca, and Mr. C. G. Haskel for Corozal.

Papers were then circulated to secure the signatures of those persons present who desired to join this association. The following signatures were secured:

Joseph Bucklin Bishop, W. E. Deeks, J. M. Maguire, J. A. Le Prince, E. C. McFarland, Fleetwood Gruver, W. T. Dozier, John Freeland, H. T. Summersgill, A. M. Colegrove, John S. Walker, Emil J. Rall, James O. Meadows, W. E. Russell, B. D. Radcliffe, W. B. Ruggles, E. J. Lewis, Edward Fitzpatrick, J. W. Belt, L. M. Lipsett, R. G. Baldwin, C. C.



Jackson, A. C. Harper, William W. Ruggles, M. L. Duff, Tom M. Cooke, H. R. Carter, K. K. Kramer, William E. Murtogh, A. E. Mayner, H. A. Gudger, J. W. Barrett, C. G. Haskell, J. L. Stora, W. Krugel, Harry M. Payne, J. P. Avis, Jere Turpin, Charles G. Thompson, H. B. May, R. A. Conard, Charles F. Runck, Jr., L. R. Brown, H. E. Bovay, J. M. Shady, E. E. Price, F. E. Delano, D. H. Moffat, W. R. Woods, Hugh S. Hunter, George R. Shanton, J. G. Holcombe, R. G. Castel, William H. MacFarlane, S. E. Blackburn, G. M. Shontz, H. D. Reed, George H. Bartholomew, Kenneth Bovay, Thomas Crozier, E. F. O'Neill, Robert R. Van Horn, J. M. Sinclair, J. E. Siler, Andrew W. Dewling, O. M. Ewing, C. A. Merritt, J. Saville, H. Bortin, C. B. McCormick, Benjamin D. Wileng, B. W. Payne, E. A. Deems, James Bowdry, E. M. Arbuckle, C. F. Cretors, P. de Obarrio, C. E. Guyant, Jacob Cohen, C. H. Jewett, T. C. Lyster, Walter H. Stevens, Clem S. Leftwich, S. A. Higgins, George F. Halsey, P. J. Mahoney, J. St. C. Hunt, Frederick A. Feld, William E. Maxon, Robert Coe, and W. C. Haskins.

Colonel Cooke subsequently announced the following committee on constitution and by-laws, stating that it was his endeavor to, so far as possible, represent each locality and all branches of the service:

Tom M. Cook, chairman; T. C. Lyster, Ancon Hospital; W. E. Grant, municipal engineering; A. C. Harper, engineer; W. E. Russell, building and construction; William Krugel, material and supplies; J. M. Maguire, labor, quarters, and subsistence; J. Kye, Corozal; J. St. C. Hunt, Panama Railroad and La Boca.

The movement appears to have met with hearty approval, and a successful organization seems to be assured.

It is the desire of all concerned that at the meeting on January 4, at 8 p. m., in the parlor of the Hotel Tivoli, every employee of the Commission and Panama Railroad stationed in Ancon, Ancon Hospital, Panama, La Boca, East La Boca, and Corozal shall be present.

#### CRISTOBAL GARRISON, REGULAR ARMY AND NAVY UNION.

The Canal Record: The third garrison of the Regular Army and Navy Union of the United States of America was installed at Cristobal, Canal Zone, Wednesday evening, the 18th instant, by Mr. Lester E. Herman, the assistant inspector-general of the national corps for the Canal Zone. The laws governing the installation of a new garrison were complied with, the election of officers resulting as follows:

Grover C. Bradford, commander; Herman Kehm, senior vice-commander; Frank L. Cornish, junior vice-commander; Charles D. Mitchell, chaplain; William M. Ridpath, adjutant and quartermaster; H. V. H. Monk, paymaster; Paul Wollenburger, surgeon; Fred. M. Kaubach, officer of the day; Lewis B. Mickle, officer of the watch; Joseph J. Marek, officer of the guard.

It is the intention of Mr. Herman to have three garrisons on the Isthmus. One has been installed at Culebra, covering the district between that place and Panama, including La Boca. The garrison now located at Empire (Admiral Asa Walker, No. 40) will be transferred to Gorgona, taking in all towns between Gatun and Culebra. The Cristobal garrison will cover the territory between Gatun and Colon.

Men who have served in the Regular Army, Navy, or Marine Corps of the United States are eligible to enrollment. Application blanks for Cristobal garrison can be obtained by applying to Mr. H. V. H. Monk, Gatun, or the undersigned. The next regular meeting has been ordered for Friday, December 27, 1907, at 7.30 p. m., in the court room, No. 1 Building, Cristobal, Canal Zone.

Very respectfully,

WM. M. RIDPATH,  
Adjutant and Quartermaster.

CRISTOBAL, December 20.

#### IMPROVED ORDER OF RED MEN.

The Canal Record: To all members of the Improved Order of Red Men residing in the Canal Zone. There are at present in the Zone seven tribes and one Council Degree of Pocahontas, I. O. R. M., that are organized and in full working order, and that are in constant communication with the various great chiefs throughout the United States. Their name and location is as follows:

Chiriqui Tribe No. 1, Culebra—Instituted January 3, 1906. Meets every Saturday evening.

San Blas Tribe No. 2, Cristobal—Instituted March 16, 1906. Meets every Tuesday evening.

Cocle Tribe No. 3, Empire—Instituted March 29, 1906. Meets every Friday evening.

Aztec Tribe No. 4, Pedro Miguel—Instituted June 16, 1906. Meets every Thursday evening.

Cholo Tribe No. 5, Gorgona—Instituted December 3, 1906. Meets every Monday evening.

Incas Tribe No. 6, Gatun—Instituted February 16, 1907. Meets every Thursday evening.

Caribb Tribe No. 7, Las Cascadas—Instituted March 16, 1907. Meets every Wednesday evening.

Alfaretta Council No. 1, D. of P., Culebra—Instituted March 26, 1906. Meets every Tuesday evening.

Members are always welcome at any of these council fires. Members resident at a village, near a tribe to which they are not on its rolls, should register with said tribe. This applies in like manner to those who are members of the organization and affiliated with some tribe in the States. In case of accident or sickness, these members would be known as such, and could have the additional assistance of the nearest tribe and its members. Do this at the next meeting of a tribe near whom you are resident—attend; show your credentials and receipts; register your name, occupation, and address; give any additional information thought necessary. Your attendance will be appreciated. The good will and benefit you receive will be shown by your future attendance.

Fraternally, yours, in F. F. & C.,

JOHN E. BURNS,  
C. of R., Chiriqui Tribe No. 1.

CULEBRA, C. Z., December 15.

#### HOTEL TIVOLI.

#### SCHEDULE OF RATES EFFECTIVE JANUARY 1, 1908.

To heads of departments and divisions: The schedule of rates at Hotel Tivoli, as given below, are effective January 1, 1908.

Please note that no credit will be extended to employees, as the purpose of our system of coupon books is intended to provide for such accommodation. Bills of employees unpaid at the time of departure will not be subject to the discount, and will be made out at the regular nonemployee transient rate and forwarded immediately to the disbursing officer. Will you kindly advise your gold employees accordingly? JACKSON SMITH, Manager.

#### Daily rates—nonemployees.

Meals.		Rooms.		
		Grade.	1 in room.	2 in room.
Breakfast	\$0.50	1	\$1.50	\$2.25
Luncheon	1.00	2	2.50	3.50
Dinner	1.25	2	3.50	5.00
		3a	4.00	5.50
		*3	4.50	6.50
		*3a	5.00	7.50

#### Employees—transient.

Meals.		Rooms.		
		Grade.	1 in room.	2 in room.
Breakfast	\$0.50	1	\$1.00	\$1.50
Luncheon	.50	2	1.50	2.00
Dinner	1.00	3	2.00	3.00
		3a	2.50	3.50
		*3	2.75	4.00
		*3a	3.00	4.50

Bills must be paid in coupons only, and at time of leaving, except on special order from the manager of the department of labor, quarters, and subsistence.

#### Employees—monthly.

Grade.	Room only.		Room and board.	
	1 in room.	2 in room.	1 in room.	2 in room.
1	\$12.50	\$15.00	\$47.50	\$55.00
2	29.00	25.00	55.00	95.00
3	25.00	35.00	60.00	105.00
3*	40.00	50.00	75.00	120.00

Monthly rate for meals without room, \$35.

These rates are for employees regularly assigned to quarters or authorized by special order of the Manager of the Department of Labor, Quarters and Subsistence, and may be paid in cash or coupons.

#### Nonemployees—monthly.

Grade.	Room only.		Room and board.	
	1 in room.	2 in room.	1 in room.	2 in room.
1	\$30.00	\$35.00	\$75.00	\$145.00
2	45.00	75.00	90.00	165.00
3	60.00	100.00	105.00	190.00
3*	75.00	135.00	120.00	225.00

\* With bath.

Monthly rate for meals without room, \$45.

Open accounts will not be permitted. Guests must be required to pay their bills upon leaving.

Accounts of transient employees unpaid at time of leaving will be made up at the nonemployees' transient rate, and sent immediately to the Disbursing Officer.

Bills of guests remaining a week or over must be collected weekly, unless by special order of the Manager of the Department of Labor, Quarters and Subsistence.

A charge of 50 cents extra must be made for all meals sent to rooms.

Rate for Grade 3 rooms en suite (two rooms), with bath, occupied by two persons, nonemployees, will be \$8 per day. When occupied by more than two, the charge will be on the basis of \$6.50 per day for two, and \$3.50 per day for the others.

Grade 3a rooms en suite (two rooms), with bath, occupied by two persons, nonemployees, will be at the rate of \$9 per day. When occupied by more than two, the charge will be on the basis of \$7.50 per day for two, and \$4 per day for the others.

Employees will be charged \$4.75 for Grade 3 rooms en suite (two rooms), with bath, when two persons occupy a suite. When more than two persons occupy one suite, the charge to employees will be \$4 for two, and \$2 each for the others.

Employees will be charged \$5.50 for Grade 3a rooms en suite (two rooms), with bath, when two persons occupy a suite. When more than two occupy one suite, the charge to employees will be \$4.50 for two, and \$2.50 each for the others.

Two in a room is the full capacity of same, but in cases where it is necessary temporarily for more than two persons to occupy a room, the charge for the additional person or persons will be at the rate per person of 75 cents for Grade 1, \$1 for Grade 2, \$1.50 for Grade 3, and \$2 for the two grades of Grade 3 and 3a, with bath. This applies to employees and nonemployees.

Rate for "President" suite will be \$30 per day when occupied by four or less, including sitting room. Without the sitting room, the rate will be \$20 per day.

Persons registering on American plan must pay for all meals unless one day's meals or more are missed consecutively, in which case notice must be given to the clerk in advance in order to secure credit.

Rates for servants: When occupying room, regular rate for room; half rate for meals. Occupying cot in room or bathroom, or room in regular servants' quarters, half usual room rate for first-grade room.

Rates for children: Under 12, occupying room with parents (requiring no extra bed), no charge for room; half rate for meals where occupying seat at table. Over 12 years of age, full rates will be charged.  
JACKSON SMITH, Manager.

#### NEW YEAR'S DAY ATHLETIC MEET.

The athletic meet to be held under the auspices of the Y. M. C. A. at Ancon Park on New Year's Day will begin at 9.30 a. m. The events to be decided will consist of 100-yard dash, 220-yard dash, 440-yard run, 800-yard run, one-mile relay race, pole vault, running broad jump, running high jump, shot put, throwing baseball, and circling the bases. The two last events are for members of organized baseball teams only. Prizes, consisting of a gold medal for first place, silver medal for second, and a bronze medal for third, will be awarded in each event. Music will be furnished by the T. C. C. band. A special train will leave Colon at 6.25 a. m., due at Panama at 8.50 a. m. It will stop at all intermediate stations one hour later than regular passenger train No. 3. Transportation on this train will be free to holders of athletic meet tickets, which are on sale at 50 cents each at the ticket offices of the Panama Railroad and at all Commission clubhouses. The return trip can be made on any passenger train by the regular train transportation. The entries for the meet are as follows:

100-yard dash—D. Shannon, R. Gamble, J. Murray, R. Coulter, J. King, I. Catlin, W. Holstead, J. Harding, Culebra Y. M. C. A.; H. Ham, R. Kennedy, M. P. and M.; H. Simms, G. Gustavson, Empire Y. M. C. A.; B. Culbertson, Cristobal Y. M. C. A.; J. Huff, Culebra Baseball Club; L. Levvy, G. Ferris, D. Kenney, W. H. Starr, Gorgona Y. M. C. A.

220-yard dash—D. J. Shannon, R. Gamble, J. Murray, J. King, I. Catlin, J. Harding, Culebra Y. M. C. A.; M. Rupp, M. P. and M.; A. Heinrich, H. Simms, G. Gustavson, Empire Y. M. C. A.; B. Culbertson, Cristobal Y. M. C. A.; J. Huff, Culebra Baseball Club; G. Ferris, D. Kenney, W. H. Starr, Gorgona Y. M. C. A.

440-yard dash—J. Murray, W. Starr, G. Yingling, A. MacNeill, C. Roper, R. Booth, Culebra Y. M. C. A.; H. Bergert, M. Rupp, M. P. and M.; H. Simms, Empire Y. M. C. A.; C. Davis, Gorgona Y. M. C. A.

880-yard run—W. Starr, C. Roper, Culebra Y. M. C. A.; H. Bergert, Q. A. Hall, M. Rupp, R. Kennedy, W. Brown, M. P. and M.; H. Simms, Empire Y. M. C. A.; C. Porter, A. Loane, D. Fletcher, Cristobal Y. M. C. A.; H. McKeown, C. Davis, L. Hennen, H. Tiernen, Gorgona Y. M. C. A.

Pole vault—R. Oliver, Culebra Y. M. C. A.; H. Simms, Empire Y. M. C. A.; A. Loane, D. Fletcher, R. Loague, Cristobal Y. M. C. A.; G. Ferris, H. McKeown, S. Lasker, G. Jenkins, Gorgona Y. M. C. A.

12-pound shot put—C. Harrington, R. Oliver, R. Booth, J. Harding, Culebra Y. M. C. A.; D. Fletcher, Cristobal Y. M. C. A.; G. Ferris, S. Lasker, G. Jenkins, Gorgona Y. M. C. A.

Running broad jump—D. Shannon, C. Harrington, R. Oliver, R. Booth, I. Catlin, Culebra Y. M. C. A.; R. Chapple, M. P. and M.; A. Heinrich, H. Simms, Empire Y. M. C. A.; B. Culbertson, Cristobal Y. M. C. A.; L. Levvy, G. Ferris, Gorgona Y. M. C. A.

Running high jump—D. Shannon, R. Booth, I. Catlin, Culebra Y. M. C. A.; A. Heinrich, Empire Y. M. C. A.; D. Fletcher, Cristobal Y. M. C. A.; G. Ferris, Gorgona Y. M. C. A.

Baseball throw—G. Yingling, F. Roberts, A. Richards, I. Fleichman, I. C. C. Baseball Club; J. King, Empire Baseball Club; R. Booth, J. Calvit, Gorgona Baseball Club; R. Chapple, M. P. and M.; B. Culbertson, Cristobal Baseball Club.

Circling the bases—R. Gamble, I. Fleichman, I. C. C. Baseball Club; J. King, Empire Baseball Club; F. Manusch, R. Kennedy, M. P. and M. Baseball Club; B. Culbertson, Cristobal Baseball Club; J. Huff, Culebra Baseball Club.

One-mile relay—Shannon, King, Yingling, MacNeill, Catlin, Hard, Culebra Y. M. C. A.; Bergert, Hall, Ham, Rupp, Kennedy, Brown, M. P. and M.; Supple, Porter, Culbertson, Fletcher, Loague, Cristobal Y. M. C. A.; Davis, Ebdon, Jenkins, Kenney, Tiernen, Gorgona Y. M. C. A.

There will also be a game of baseball at Ancon Park at 2.30 p. m. between the Empire and M. P. and M. teams.

#### INFORMATION WANTED.

Information is desired in the States regarding the whereabouts of Edward Bergen, plumber, who is the only son of a widow living in Boston, and was last heard from by his mother in June, 1906. He left the Isthmian Canal service on April 21, 1906. Information is also wanted concerning the whereabouts of E. W. Rodeman, steam engineer, who left the Isthmian Canal service on November 20, 1907. His wife and one child died recently at Coney Island, N. Y. He has two children still living, aged 4 and 6 years.

Any information which may be sent to the Canal Record about either of the above-named persons will be forwarded to the inquiring relatives in the States.

#### OFFICIAL CIRCULARS.

##### SIXTY-TRIP TICKETS.

##### Circular No. 150:

Commencing January 1 a new form of Sixty-Trip Ticket will be used for the transportation of employees on official business. The following rules will govern the issuance of this form of transportation:

(1) All Sixty-Trip Tickets will be issued direct from the Chairman's office.

(2) Requests for Sixty-Trip Tickets will be made in duplicate on form No. 147 C. E., a copy of which is attached. The Stationer and Printer will furnish a supply of these forms on regular requisition.

(3) No tickets will be issued unless the detailed information called for is furnished, and the actual necessity for issuance is apparent.

(4) Requests for this form of transportation should not be made unless the employee's duties require him to travel along the line at least three times a week.

(5) No employee should have more than one ticket in his possession, and the cover or partially used book previously issued should be returned to this office immediately upon receipt of new ticket.

(6) The instructions for use printed on the ticket must be strictly adhered to.

(7) Employees holding Sixty-Trip Tickets should be instructed to turn them in for cancellation on the day the new form of ticket goes into effect, as conductors will not honor any old form tickets after that date.

(8) In the event of an employee leaving the service, or being transferred to another Division any Sixty-Trip Ticket which may have been issued to him must be taken up and returned to this office for cancellation.

(9) A supply of "Requests for Sixty-Trip Tickets" will be forwarded you under separate cover. Kindly fill out requests for those employees in your department whose duties necessitate the use of

Sixty-Trip Tickets and forward to this office at once, in order that no confusion may result through the inauguration of this system.

D. D. GAILLARD,  
Acting Chairman and Chief Engineer.

#### CULEBRA, December 23.

##### DEDUCTIONS FROM PAY OF CONTRACT LABORERS.

##### Circular No. 151:

Deductions from the pay of contract laborers should be made in the following order:

1. Commissary books.
2. Subsistence.
3. Transportation.

After the charges for Commissary books and Subsistence have been deducted, if the amount remaining due to the employee is not sufficient to cover monthly charge for Transportation, the entire balance due shall be deducted for this account, and the balance uncared for during that month shall be deducted from his pay the next month in addition to the regular monthly deduction.

D. D. GAILLARD,  
Acting Chairman.

#### CULEBRA, December 24.

##### MISDIRECTED LETTERS.

##### DIVISION OF DEAD LETTERS, Ancon, Station A, January 1, 1908.

The following insufficiently addressed letters, originating in the United States and its possessions, have been received in the office of the Director of Posts and may be secured on request of addressee:

Busch, E. W.  
Carter, Miss Elizabeth  
Cohn, Bernard  
Davenport, L. S.  
Duhaney, Simeon  
Duncan, Miss Jessie  
Edmiston, J. S.  
Ellis, G.  
Ely, A. L.  
Greenwood, Arthur  
Hall, James A.  
Hansen, Chris  
Homan, H.  
Hogan, Guy E.  
Johnson, Jul.  
Johnston, J. W.  
King, Fred Jos.  
Lawton, John M.  
Loveless, Harold  
Lynch, Michael  
Maimo, Robt.  
Noble, Chas. E.  
Oncent, Joseph  
Perry, Ralph W.  
Rowlan, Miss Laura  
Rendy, Wm. T.  
Sehr, Mike  
Speir, A. G.  
Strong, Miss Ruth  
Weber, Harry

The steamship *Eastlands* sailed from Gulfport, Miss., on December 21, with a cargo of lumber and piling for the Commission and should arrive at Cristobal about January 1.

##### COMMISSARY DEPARTMENT.

##### COMMISSARY PRICES FOR WEEK ENDING DECEMBER 26.

##### Fresh meats.

	Cents.
Beef, sirloin roast	per lb. 22
Beef, rump, roast	do 18
Beef, Porterhouse	do 18
Beef, rib-roast, short-cut (not under 3½ pounds)	do 16
Beef, rib-roast, second-cut	do 14
Beef, chuck-roast	do 11
Beef, soup	do 6
Beef, stew	do 8
Beef, corned	do 10, 12
Steaks, sirloin	do 22
Steaks, Porterhouse	do 22
Steaks, rump	do 25
Steaks, tenderloin	do 20
Steaks, round	do 12½
Veal, cutlets	do 21
Veal, short-cut chops	do 21
Veal, loin	do 13
Veal, entire forequarters	do 9
Veal, for stewing	do 9
Mutton, entire forequarters	do 9
Mutton, short-cut chops	do 18
Mutton, leg	do 14
Lamb, for stewing	do 10
Lamb, entire forequarters	do 10
Lamb, short-cut chops	do 22
Lamb, legs	do 18
Pork, cuts	do 20

##### Miscellaneous.

Liver, beef	per lb. 9
Sausage, pork	do 16
Sausage, Bologna	do 15
Sausage, Frankfurter	do 15
Sweet bread, veal	each 120
Sweet bread, beef	per lb. 25
Tripe, pickled, Honeycomb	do 12
Oysters, ½-gallon kegs	each 70
Oysters, 1-qt. tins, square	do 45
Oysters, 1-qt. tins, round	do 55
Pigs' tongues	per lb. 12

##### Poultry and game.

Chickens, dressed (milk-fed)	each *115
Ducks, fatted	do 85
Turkeys	per lb. 25
Broilers (chicken fryers)	each 75
Squabs	do 30
Eggs, fresh	per dozen *45
Geese (about 10-lb)	each 200
Fresh fish (3 to 6 lbs.)	per lb. 14

##### Cured meats and lard.

Bacon, strips	per lb. 23
Bacon, English breakfast, sliced	do 26
Ham, sugar-cured, sliced	do 25
Ham, one-half (for boiling)	do 20
Hams, Yorkshire (imported)	do 25
Hams, Westphalia	do 45

\* Indicates advance on last list.

† Sold only from cold storage and not from commissaries.



## Dairy products.

		Cents.
Butter, prints, prime quality	per lb	38
Cheese, cream, Phila.	each	22
Cheese, Neufchatel		6
Cheese, Roquefort	per lb	45
Cheese, Young America	do	22
Cheese, Swiss	do	30
Cheese, Gouda	do	30
Cheese, Edam	each	90
Milk	quart	15

## Fruits and vegetables.

Apples	per lb	51
Apples, fancy table	do	8
Bananas	per dozen	5
Cabbage	per lb	*2
Carrots	do	31
Cauliflower	do	*7
Cranberries	do	10
Celery	bunch	18
Cucumbers	per lb	*28
Eggplant	do	10
Grapes	do	*14
Grape fruit	each	3
Lettuce	per lb	14
Limes	per hun	30
Onions	per lb	2
Oranges	per dozen	12
Pineapples	each	20
Plantains	dozen	12
Pumpkins	per lb	5
Radishes	do	6
Sauerkraut	do	31
Squash	do	*2
Squash, Hubbard	each	5
Sweet potatoes, American	per lb	31
Turnips, yellow and white	do	3
White potatoes	do	*21

## New articles.

Knives, stag, pocket, stock No. 38,519	each	90
Knives, bone, table, stock No. 38,521	set	415
Knives, ivory, table, stock No. 38,522	do	28.70
Knives, ebonite, French cook, stock No. 38,523	each	90
Knives, ebonite, French cook, stock No. 38,524	do	1.35
Knives, ebonite, French cook, stock No. 38,525	do	1.75
Scissors, stock No. 38,526	do	25
Scissors, stock No. 38,527	do	65
Scissors, stock No. 38,528	do	45
Scissors, stock No. 38,531	do	50
Scissors, stock No. 38,529	do	70
Razors, stock No. 38,534	do	80
Razors, stock No. 38,535	case	23.75
Razors, stock No. 38,536	do	6.00
Chairs, golden oak, stock No. 38,444	each	2.50
Chairs, desk, stock No. 38,448	do	5.55
Rockers, golden oak, stock No. 38,445	do	4.30
Rockers, golden oak, stock No. 38,446	do	4.30
Stools, camp, stock No. 38,447	do	90
Biggins, coffee, No. 030, stock No. 38,432	do	45
Measures, enamel, No. 6, stock No. 38,543	do	38
Measures, enamel, No. 4, stock No. 38,544	do	20
Measures, enameled, No. 5, stock No. 38,545	do	26
Measures, enameled, No. 3, stock No. 38,546	do	15
Measures, enameled, No. 2, stock No. 38,547	do	12
Measures, enameled, No. 1, stock No. 38,548	do	10
Buckets, covered, 11-qt., stock No. 38,549	do	16
Pails, dinner, No. 040, stock No. 38,551	do	50
Moulds, round, cake, No. 43, stock No. 38,552	do	18
Ladles, deep, No. 10, stock No. 38,553	do	9
Plates, pie, No. 10, stock No. 38,554	do	10
Pans, milk, 1-qt., stock No. 38,555	do	8
Pans, milk, 1-qt., stock No. 38,556	each	8
Pans, milk, 1 1/2-qt., stock No. 38,557	do	9
Pans, milk, 5-qt., stock No. 38,558	do	16
Pans, deep dish, No. 30, stock No. 38,559	do	90
Pans, stove, oblong, No. 13, stock No. 38,561	do	30
Pans, stove, oblong, No. 14, stock No. 38,562	do	33
Pans, stove, oblong, No. 15, stock No. 38,563	do	35
Pans, stove, oblong, No. 16, stock No. 38,564	do	40
Pans, stove, oblong, No. 17, stock No. 38,565	do	45
Chairs, reception, No. 7745, stock No. 38,566	do	10.75
Chairs, large arm, No. 6844, stock No. 38,567	do	10.75
Rockers, ladies', No. 104b, stock No. 38,568	do	4.30
Rockers, ladies', No. 6820b, stock No. 38,569	do	6.80
Rockers, ladies', No. 6821b, stock No. 38,571	do	7.50
Rockers, comfort, No. 6838b, stock No. 38,572	do	7.15
Rockers, comfort, No. 7687b, stock No. 38,573	do	17.20
Sofas, No. 6232f, stock No. 38,574	do	31.50
Tables, No. 67011, stock No. 38,575	do	5.40
Tables, No. 6385s, stock No. 38,576	do	5.40
Tables, oblong, No. 6384, stock No. 38,577	do	4.65
Rockers, ladies', No. 6830b, stock No. 38,578	do	11.10
Rockers, ladies', No. 6830a, stock No. 38,579	do	11.10
Chairs, reception, No. 6831a, stock No. 38,581	do	8.60
Sofas, No. 6830f, stock No. 38,582	do	18.90
Suits, wash, No. s1835, stock No. 37,937	suit	2.95
Pants, wash, No. s1835, stock No. 37,038	pair	1.25
Suits, wash, No. s2045, stock No. 37,939	suit	2.95
Trunks, orient leather, No. 167, 36-inch, stock No. 38,122	each	24.75
Kits, stitched, hunting, No. 539, 22-inch, stock No. 38,123	do	11.30
Leggins, leather, No. 2, stock No. 38,124	pair	2.30
Leggins, leather, No. 1, stock No. 38,125	do	3.15
Leggins, leather, No. 3, stock No. 38,126	do	2.40
Kits, stitched, hunting, No. 640, 16-inch, stock No. 38,128	each	4.00
Trunks, orient leather, No. 165, 36-inch, stock No. 38,144	do	18.50
Cases, gents', fitted with E. P. tops, stock No. 38,145	case	17.50
Brushes and combs, military, in case, stock No. 38,146	set	1.40

\* Indicates advance on last list.

† Indicates reductions from last list.

## CANAL DIRECTORY.

## ISTHMIAN CANAL COMMISSION.

Lieut. Col. Geo. W. Goethals, U. S. A., Chairman and Chief Engineer, Culebra; Maj. D. D. Gaillard, U. S. A., Culebra; Maj. Wm. L. Sibert, U. S. A., Culebra; Civil Engineer H. H. Rousseau, U. S. N., Culebra; Mr. Jo C. S. Blackburn, Ancon; Col. W. C. Gorgas, U. S. A., Ancon; Mr. Jackson Smith, Culebra; Mr. Joseph Bucklin Bishop, Secretary, Ancon.

## DEPARTMENTS.

Construction and Engineering: Lieut. Col. Geo. W. Goethals, U. S. A., Chairman and Chief Engineer, Culebra; Wm. Howard May, Secretary; M. E. De-Putro, Chief Clerk; A. B. Nichols, Office Engineer. Department of Excavation and Dredging: Maj. D. D. Gaillard, U. S. A., Culebra; W. T. Hayne, Secretary; Maj. Edgar Jadwin, U. S. A., Division Engineer, Gorgona; D. W. Bolch, Division Engineer, Empire; S. J. Kennedy, Chief Clerk; Louis K. Rourke, Assistant Division Engineer, Empire; Wm. Gerig, Division Engineer, Gatun; Mrs. C. L. MacPherson, Chief Clerk; W. G. Comber, Division Engineer, La Boca; David V. Stratton, Chief Clerk.

Department of Lock and Dam Construction: Maj. Wm. L. Sibert, U. S. A., Culebra; R. M. Sands, Secretary; Maj. Chester Harding, U. S. A., Division Engineer, Gatun; Capt. Horton W. Stickie, U. S. A., Assistant Division Engineer; E. P. Thompson, Chief Clerk; Wm. Gerig, Division Engineer, Cristobal; Caleb M. Saville, Assistant Division Engineer, Gatun; Sydney B. Williamson, Division Engineer, Corozal; E. A. Le May, Chief Clerk; W. G. Comber, Division Engineer, La Boca; Edward Schildhauer, Electrical and Mechanical Engineer, Culebra; Henry Goldmark, David Molitor, Designing Engineers, Structural Work Design; L. D. Cornish, H. F. Tucker, Designing Engineers, Masonry Design, Culebra; R. M. Arango, Division Engineer (Division of Meteorology and River Hydraulics), Ancon; D. W. McCormack, Chief Clerk.

Department of Municipal Engineering, Motive Power and Machinery, and Building Construction: Civil Engineer H. H. Rousseau, U. S. N., Culebra; J. C. Parsons, Secretary; J. G. Holcombe, Division Engineer (Division of Municipal Engineering), Ancon; E. C. McFarland, Chief Clerk; George D. Brooke, Superintendent, Motive Power and Machinery, Culebra; F. W. Doty, Chief Clerk; Earl J. Ranta, Mechanical Engineer; A. L. Robinson, Electrical Engineer; W. M. Belding, Master Builder (Division of Building Construction), Culebra; F. O. Wright, Jr., Architect, Culebra; J. H. Barbour, Chief Clerk.

Division of Material and Supplies: W. G. Tubby, Chief, Cristobal; Max Dyer, Chief Clerk, Cristobal; W. C. Haskins, Chief Clerk, Ancon; Wm. Krugel, Stationer and Printer, Ancon.

Division of Map-Making and Lithography: Charles F. Bertoncini, Chief, Ancon.

## CIVIL ADMINISTRATION.

Hon. Jo C. S. Blackburn, Head of the Department, Ancon; H. D. Reed, Executive Secretary, Ancon; J. K. Baxter, Chief Clerk, Ancon; Tom M. Cooke, Chief, Division of Posts, Customs and Revenues, Ancon; E. Lewis Baker, Deputy Collector, Cristobal; Herman A. Gudger, Deputy Collector, Ancon; George R. Shanton, Chief of Police, Ancon; D. E. McDonald, Chief Clerk; C. E. Weldman, Chief, Fire Department, Cristobal; Charles F. Koerner, Asst. Chief, Cristobal; Addison Blight, Chief Clerk; Geo. L. Campen, Superintendent of Public Works, Ancon; Innocencio Galindo, Legal Adviser, Ancon; David C. O'Connor, Supt. of Schools, Ancon.

## CANAL ZONE JUDICIARY.

Supreme Court: Dr. F. Mutis Durán, Chief Justice, Ancon; H. A. Gudger, Associate Justice, Empire; Lorin C. Collins, Associate Justice, Cristobal; Walter Emery, Clerk of Court, Ancon; Circuit Court, First circuit: Dr. F. Mutis Durán, Judge, Ancon; Walter Emery, Circuit Court Clerk, Ancon; Circuit Court, Second circuit: H. A. Gudger, Judge, Empire; Elbert M. Goolsby, Circuit Court Clerk, Empire; Circuit Court, Third circuit: Lorin C. Collins, Judge, Cristobal; Nelson R. Johnson, Circuit Court Clerk, Cristobal; Geo. H. Bartholomew, Asst. Attorney for Isthmian Canal Commission and Panama Railroad, Ancon; Prosecuting Attorney: George M. Shontz, Ancon; Translators: F. H. Shelby and Charles M. Brown; M. C. Rerdell, Senior District Judge, Cristobal; Thomas E. Brown, Jr., District Judge, Cristobal; S. E. Blackburn, District Judge, La Boca; Edgar S. Garrison, District Judge, Empire; R. C. Goodale, District Judge, Gorgona.

## SANITATION.

Col. W. C. Gorgas, U. S. A., Chief Sanitary Officer, Ancon; Maj. C. C. McCulloch, Jr., U. S. A., Executive Officer, Ancon; Harry C. Boyay, Chief Clerk; H. B. Carter, Director of Hospitals, Ancon; Surg. J. C. Perry, P. H. and M. H. S., Chief Quarantine Officer, Ancon; Maj. John L. Phillips, U. S. A., Superintendent, Ancon Hospital, Ancon; J. F. Leys, U. S. N., Superintendent Colon Hospital, Colon; Capt. Robert E. Noble, U. S. A., General Inspector, Ancon; Surg. Claude C. Pierce, P. H. and M. H. S., Quarantine Officer, Colon; Dr. John H. Furnell, Health Officer, Panama; Joseph A. Le Prince, Chief Sanitary Inspector, Ancon.

## LABOR, QUARTERS, AND SUBSISTENCE.

Jackson Smith, Manager, Culebra; R. E. Wood, Assistant Manager, Culebra; S. C. Klauber, Chief Clerk; J. M. Maguire, Ancon; C. C. McColey, Empire; Charles L. Parker, Gorgona; Edgar Lowe, Cristobal, Division Superintendent.

## DISBURSEMENTS.

Edward J. Williams, Disbursing Officer, Empire; William M. Wood, Chief Clerk.

## EXAMINER OF ACCOUNTS.

H. L. Stuntz, Empire; W. D. Mabry, Chief Clerk.

## PANAMA RAILROAD COMPANY.

H. J. Slifer, Assistant to the President and General Manager, Colon; W. G. Tucker, Secretary, Colon.

## COMMISSARY DEPARTMENT.

John Burke, Manager, Cristobal; W. F. Shipley, Sales Manager, Cristobal; S. M. White, General Storekeeper, Cold Storage Department, Cristobal.

*Rainfall from December 1 to 28, 1907, inclusive.  
(Midnight to midnight.)*

Stations.	Total.	Maximum in one day.
<i>Atlantic Slope.</i>		
Cristobal.....	9.25	2.28
Brazos Brook.....	5.48	1.75
Gatun.....	5.38	1.57
Bohio.....	2.87	.99
Taber Jilla.....	4.77	1.56
San Pablo.....	3.66	.99
<i>Central Section.</i>		
Bas Obispo.....	2.20	.89
Gambo.....	2.93	.93
Empire.....	1.47	.54
Camacho Dam.....	2.18	1.03
Culebra.....	2.30	.80
Rio Grande.....	2.51	.75
<i>Pacific Slope.</i>		
La Boca.....	4.55	.95
Ancon.....	3.46	1.41
Naos.....	1.08	.31
<i>Chagres Valley.</i>		
Alhajuela.....	1.51	.95

MOVEMENT OF OCEAN VESSELS.

The following is a list of the sailings of the Panama Railroad Steamship Company, of the Royal Mail Steam Packet Company, and of the Hamburg-American Line, the Panama Railroad Company's dates being subject to change:

FROM NEW YORK.			
Prinz Eitel Friedrich.....	H. A.	Saturday	Dec. 28
La Plata.....	R. M.	Saturday	Dec. 28
Advance.....	P. R. R.	Monday	Dec. 30
Panama.....	P. R. R.	Saturday	Jan. 4
Prinz Aug. Wilhelm.....	H. A.	Saturday	Jan. 4
Dunottar Castle.....	P. R. R.	Thursday	Jan. 9
Tagus.....	R. M.	Saturday	Jan. 11
Siberia.....	H. A.	Saturday	Jan. 11
Finance.....	P. R. R.	Tuesday	Jan. 14
Prinz Joachim.....	H. A.	Saturday	Jan. 18
Colon.....	P. R. R.	Monday	Jan. 20
Advance.....	P. R. R.	Saturday	Jan. 25
Prinz Eitel Friedrich.....	H. A.	Saturday	Jan. 25
Magdalena.....	R. M.	Saturday	Jan. 25
Panama.....	P. R. R.	Thursday	Jan. 30

All the steamers of the Hamburg-American and Royal Mail lines call at Kingston en route to Colon.

FROM COLON.			
Dunottar Castle.....	P. R. R.	Thursday	Dec. 26
Finance.....	P. R. R.	Tuesday	Dec. 31
Prinz Sigismund.....	H. A.	Tuesday	Dec. 31
Tagus.....	R. M.	Wednesday	Jan. 1
Altal.....	H. A.	Saturday	Jan. 4
Colon.....	P. R. R.	Monday	Jan. 6
Advance.....	P. R. R.	Saturday	Jan. 11
Prinz Eitel Friedrich.....	H. A.	Tuesday	Jan. 14
Magdalena.....	R. M.	Wednesday	Jan. 15
Panama.....	P. R. R.	Friday	Jan. 17
Venetia.....	H. A.	Saturday	Jan. 18
Prinz Aug. Wilhelm.....	H. A.	Tuesday	Jan. 21
Dunottar Castle.....	P. R. R.	Wednesday	Jan. 22
Finance.....	P. R. R.	Monday	Jan. 27
Prinz Sigismund.....	H. A.	Tuesday	Jan. 28
Atrato.....	R. M.	Wednesday	Jan. 29

SAILINGS FROM COLON FOR BARBADOS, CALLING AT TRINIDAD.

La Plata.....	R. M.	Tuesday	Jan. 7
Tagus.....	R. M.	Tuesday	Jan. 21
Magdalena.....	R. M.	Tuesday	Feb. 4
Atrato.....	R. M.	Tuesday	Feb. 18
Trent.....	R. M.	Tuesday	Mch. 3

The Panama Railroad steamships sail at 3 p. m. from dock at Cristobal direct to New York.

The *Prinz Eitel Friedrich* and *Prinz Sigismund* sail from Colon at 1 p. m. via Kingston, Jamaica, for New York.

All Royal Mail steamers mentioned above leave early in the morning from Colon via Kingston, Jamaica, for New York. All mail and passengers should be on board Tuesday evening.

The United Fruit Company dispatches a steamer from New Orleans for Colon every Saturday, due to arrive the following Thursday. Sailings by this line from Colon to New Orleans every Tuesday.

Sailings of the French line (Cie. Générale Transatlantique) for Venezuelan points, Martinique, and Guadeloupe on the 3d and 20th of each month.

The Leyland Line steamer *Mexican* will sail for New Orleans, via Kingston, Jamaica, about January 14, 1908.

VACCINATION.

To all concerned:

In order to properly enforce the vaccination ordinance and at the same time to accommodate employees returning from their vacation and in order to prevent unnecessary vaccination and friction resulting therefrom, this circular is to inform such employees that only a vaccination that has taken in recent years is required, and all persons who have been successfully vaccinated, in the opinion of the quarantine officer, can secure a certificate to that effect, which will remain effective and be accepted as evidence in this particular for a period of three years. This certificate will be accepted by the surgeons on the Panama Railroad steamers as evidence of immunity, and it will not be necessary to revaccinate persons having such certificate.

This certificate of vaccination can be secured from the quarantine officer of Colon, and the quarantine officer at Panama, but applicants

for the same will be required to show such scars of vaccination before this certificate is granted.

C. C. McCULLOCH, Jr.,  
Acting Chief Sanitary Officer.

ANCON, CANAL ZONE, November 23.

Mr. HOPKINS. Mr. President, the statement read by the Senator from Texas is misleading as to the character of this newspaper, and he is wandering entirely from the subject that was raised as to the salary of Mr. Bishop and his duties upon the Isthmus. His duties were made entirely clear to the committee by Colonel Goethals in his testimony before that committee. He said that Mr. Bishop was brought there for the purpose of taking charge of the bureau of complaints, so as to relieve him of the burden of listening to the complaints that are constantly being made.

Colonel Goethals also stated that a Miss Beeks, who was the representative of the Civic Federation, came there representing the Christian people of this country to learn of the condition of the employees there and see if proper care was being given them. It was her suggestion that some method should be provided for the purpose of giving forth the information which is contained in this paper that is criticised by the Senator from Texas.

Colonel Goethals says that instead of assigning Mr. Bishop to this duty he found a young man on the Isthmus who had newspaper experience and suggested to him to start this paper.

Mr. President, it appears from the statements made not only by this witness but by several others that the information which is contained in the periodical or newspaper is of great benefit not only to the employees upon the Isthmus but, as was stated by ex-Senator Blackburn, of great benefit to the people in the United States.

There is no evidence that there is any material added expense by the publication of this paper. No extra salary is paid to Mr. Bishop. There is no other expense than purely the cost of the paper.

I certainly hope that the amendment offered by the Senator from Texas will be voted down.

The VICE-PRESIDENT. The Senator from Texas proposes an amendment, which will be read by the Secretary.

The SECRETARY. On page 43, line 14, after the word "dollars" strike out the semicolon, insert a colon and the following proviso:

*Provided, That no part of this appropriation shall be used for the purpose of the publication of a newspaper in the Canal Zone.*

The amendment was rejected.

The Secretary resumed the reading of the bill on page 43, line 15, and read to line 21.

Mr. BACON. Mr. President, as we have passed over the portion of the bill which relates to the Executive Departments I desire to ask the Senator from Maine a question. I am not on the Appropriations Committee, as is known, of course, to Senators, and I may be mistaken in my recollection, but if I am not mistaken, in the last Congress an amendment was put upon an appropriation bill prohibiting Executive Departments from incurring any liability in their several Departments for which an appropriation was not previously made. Of course we understand that a deficiency bill is one which makes provision for the payment of liabilities incurred, for the payment of which the regular appropriation bill has been found to be insufficient.

I simply desire to ask the Senator from Maine (and I have no information on the subject, certainly nothing more than general rumor) whether any of the items of appropriations which we have already passed over are appropriations for liabilities incurred by any of the Departments in violation of that provision of law.

Mr. HALE. Mr. President, there are two very important provisions of the law, one passed in 1905 and the other in 1906, known as the Hemenway and the Tawney provisions. The occasion for their passage was the piling up of immense deficiencies. It was the object of these statutes to prevent the Departments from exceeding the authority given to them for the expenditure of money by appropriations. They are found in the general deficiency act and in the urgent deficiency act of those years. The first provides that—

No Department of the Government shall expend, in any one fiscal year, any sum in excess of appropriations made by Congress for that fiscal year, or involve the Government in any contract or obligation for the future payment of money in excess of such appropriations—

With this exception—

unless such contract or obligation is authorized by law.

I think I may say that I wish that provision had not been put in, but it is in, and it is in the subsequent act. There this provision was keyed up and made a little stronger, but there is the same exception, that no Department shall involve the Government in expenditures beyond appropriations made in the



annual bills, unless such contract or obligation is authorized by law.

When the other branch of the legislature—

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 2982) to codify, revise, and amend the penal laws of the United States.

Mr. HALE. I ask that the unfinished business be informally laid aside.

Mr. HEYBURN. Until the disposition of the bill now under consideration.

Mr. HALE. Yes, until the disposition of the appropriation bill.

The VICE-PRESIDENT. Without objection it is so ordered.

Mr. HALE. When the other branch of Congress was confronted with the deficiencies which are incorporated in this bill it was also confronted with a provision in the Revised Statutes which I am bound to say escaped my consideration when these acts were passed, and it probably escaped the observation of the framers of the acts. It is found in the Revised Statutes, and is as follows:

No contract or purchase on behalf of the United States shall be made, unless the same is authorized by law or is under an appropriation adequate to its fulfillment.

If it stopped there we should be all right; neither the Army nor the Navy could make deficiencies; but there is this exception, which is the law:

Except in the War and Navy Departments, for clothing, subsistence, forage, fuel, quarters, or transportation, which, however, shall not exceed the necessities of the current year.

That is the existing law, and it authorizes the expenditure of money for these excepted purposes in these two Departments. It is under that exception of the different classes of expenditures in the Army and Navy that are found the provisions in this deficiency appropriation bill.

The original provision dates back very far in the past. It was first passed in 1861.

Mr. CLAY. Will the Senator from Maine permit me to ask him a question?

Mr. HALE. Certainly.

Mr. CLAY. Suppose Congress in 1861 passed a law providing that these expenditures should not be made except when authorized by an act of Congress and excepted the Navy and War Departments, and Congress in 1896 passed another statute providing how expenditures shall be made, is it not true that the provision inserted in the appropriation act of 1896 repeals the old statute, the law of 1861?

Mr. HALE. I doubt it.

Mr. CLAY. I do not think there is any doubt about it.

Mr. HALE. At any rate, the House took the other view. I should have been glad to take the view suggested by the Senator, but here was an old statute passed in 1861, which is embodied and incorporated to-day in the body of the Revised Statutes that are the existing law.

Mr. CLAY. With the Senator's permission, I will state that I do not intend to oppose these appropriations. I understand that already nearly \$4,000,000 has been expended by the Secretary of War and the Secretary of the Navy, most of it for the purpose of equipping our fleet for the Pacific coast. Now, I am in favor of paying it, but it is clear to me that the statute has been strained in order to authorize the War and the Navy Departments to spend \$4,000,000 when the expenditure was not authorized by an act of Congress. I believe it to be a dangerous practice to let the War Department, the Navy Department, or any other Department of the Government expend four or five million dollars when no provision has been made by Congress for its expenditure.

I will say to the Senator if there is any doubt in regard to the law I believe Congress ought to change it and provide that the same rule shall apply to the War Department and the Navy Department that applies to other Departments. I believe myself that the old statute has been repealed by reason of recent legislation enacted by Congress in 1896, contained in an appropriation act.

Mr. HALE. The provision in the bill, made by the House of Representatives, which originates all these bills, proceeds upon the other assumption. I may say that when the next deficiency bill is reported by the body that originates it—the provisions that I have read having originated in that body—I should hope and I believe provision will be made that will cure the difficulty we are under now. At any rate, as the Senator knows, we went upon the assumption in the Committee on Appropriations that we had to pay these bills. A good deal of money has already been expended. We can not hold it up. It is a doubtful ques-

tion whether the provisions do repeal in terms the exceptions applicable to these two Departments. I shall hope that this Congress will not pass without a provision being incorporated upon the deficiency appropriation bill by the body that originated the original propositions which will take care of the trouble that we find ourselves in now.

Mr. CLAY. I desire to call the Senator's attention to another practice that I believe to be a bad one. Certainly the Departments ought not to be allowed to appropriate money for the purpose of carrying on the business of the Government. That is a business which belongs to Congress.

As a member of the Committee on Post-Offices and Post-Roads, I remember that we appropriated during the last session of Congress about \$112,000,000 to pay the expenses of the Post-Office Department, and now in this bill we have one item of \$750,000 for compensation to clerks at first and second class offices, and the item of that Department for the First Assistant's office in this bill amounts to over \$1,000,000.

My recollection is that when the Committee on Post-Offices and Post-Roads was making a careful study of the amount of money necessary to run the Post-Office Department through the last fiscal year the question came up before our committee, How many extra clerks will be needed and what compensation will be needed? And the estimates of the amount of money needed by that Department were appropriated by Congress and passed upon by the Senate and became a law.

The practice of going before a special committee where a bill belongs and securing apparently all that is needed for the purpose of running the Department and then afterwards going before the Appropriations Committee and securing much more without the special committee to which the subject belongs knowing anything about it, in my judgment, is a bad practice. I am frank to confess that I was surprised when the Appropriations Committee was called upon to give \$750,000 for this item when the identical question was discussed by the Committee on Post-Offices and Post-Roads and the entire request of the Department granted.

Mr. HALE. Mr. President, I agree with a great deal that the Senator from Georgia has said. If no money was spent on contracts made or obligations entered into outside of the estimates and appropriations, there never would be any deficiencies, but the working of an immense Government like this is not so exact as that. Just as the Senator says, representatives of the Department appeared before the Committee on Post-Offices and Post-Roads, and the committee recommended the appropriation of the money they asked for. They did not anticipate the calls that would be made on the Department. They did not look ahead far enough. This was all thrashed out in the hearings on the pending bill before the House committee, and it was explained there. It was said:

The deficit has been increased since then to \$450,000. It will be increased on April 1 by the promotion of clerks who have served a year in a grade. Under the new salary law they were advanced a hundred dollars each in salary. Then we will be compelled to appoint some additional clerks between now and the close of the fiscal year, which will bring the deficit up somewhere to the neighborhood of \$750,000.

Mr. CLAY. With the Senator's permission, I will state that the very question discussed before the committee in the House was discussed before the Committee on Post-Offices and Post-Roads, and the appropriation was made for the increase, just as was stated in the hearings. I am frank to confess that I can not understand why the proper amount was not included in the Post-Office appropriation bill at that time, and it is a matter that is worthy the attention of the Senate.

Mr. HOPKINS. Before the Senator from Georgia takes his seat I wish to ask him a question. Does not the Senator remember that when the appropriations were being considered before the Committee on Post-Offices and Post-Roads the First Assistant Postmaster-General could not make a definite estimate as to the extra amount of money that would be needed for additional clerk hire, carriers, rural carriers, and matters of that kind? It is only an estimate. The increased postal service accounts for every dollar that is provided for in this bill.

Mr. CLAY. I wish to say to the Senator—

Mr. HOPKINS. One moment. Take the city of Chicago alone. In order to facilitate the transmission of the mails through that city and over the city the Post-Office Department was required to allow more than 300 additional clerks over what was had at the time the First Assistant Postmaster-General was before the committee.

Mr. CLAY. I was upon the subcommittee of the Committee on Post-Offices and Post-Roads and we went to the Post-Office Department to hear the story of the First Assistant Postmaster-General. I remember well not only an original estimate was made of the amount of increases, but a supplementary report was filed, and I feel sure that we gave to the First Assistant

Postmaster-General and the Department practically everything that he asked. I am unable, and I have thus far been unable, to find any good reason why this deficiency occurred.

Mr. HOPKINS. If the Senator will allow me—

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Illinois?

Mr. CLAY. Certainly.

Mr. HOPKINS. The Senator will remember it was only an estimate on his part, and experience has demonstrated that his estimate was not large enough; that he did not appreciate at the time the development in our postal service and the needs of such great cities as Chicago, San Francisco, and the cities of the East, like Philadelphia, Boston, and New York.

Mr. CLAY. I am aware of the fact that the Senator from Illinois has asked a good deal for the city of Chicago before that committee, and he has always gotten it. I never knew him to ask anything yet that he did not get. I do not say he ever asked for anything that he did not deserve to get, but I say that every appropriation for maintaining the Post-Office Department for the last ten years has more than doubled, and the Post-Office Department in a period of ten more years, the way we are going, will cost the people of the United States \$225,000,000 per year. I would not be surprised to see the Navy Department cost the people of the United States in less than half a dozen years \$175,000,000 per year. Unless we guard the public Treasury and unless we scrutinize every single estimate made by the Department with a view of cutting down expenses, there is no telling where our expenditures will reach.

Mr. WARREN. Mr. President, I think no one can be over-concerned as to the direction deficiency bills may sometimes take and the danger of allowing them to grow in size or expand in latitude and authority; but I think it is a fact that we have always had deficiency bills; furthermore, that we shall always have them, and that the different Departments of the Government could not properly transact their great business unless there were some elasticity permitted in these matters.

I think I ought to say, however, before we pass from this deficiency bill, which is one of the largest we have had, that so far as the Army shortage is concerned the Senate ought to take its part of the blame, and the House of Representatives ought to take its part of the blame. We provide by law what pay the soldier shall get. We provide by law for his clothing and his subsistence, etc. They are regular annual or monthly allowances. The soldier has enlisted for a term of years, and therefore has a contract with the Government.

Now, turning to the statement made by the Senator from Georgia [Mr. CLAY], I think we will all have to admit that when we provide by law that the soldier shall be enlisted for a three-years' term of service and during that time shall receive so many dollars per month pay, that he shall receive so much for his rations and clothing—

Mr. CLAY. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Georgia?

Mr. WARREN. Certainly.

Mr. CLAY. I do not want the Senator from Wyoming to understand from anything that I have said that I am against increasing to some extent the pay of our soldiers.

Mr. WARREN. I do not understand that. It was to another point I was addressing myself.

Mr. CLAY. There is much merit in that feature of the legislation, and I am not prepared to say that I shall oppose it.

Mr. WARREN. Mr. President, I want to give my idea of the law, with all due deference to the Senator from Georgia. I think that the courts will always find that contracts by the Government for the pay and subsistence of the soldier shall be paid, whether this or that Congress shall fail to appropriate the money or not. That is my judgment upon that point. We provide for a certain number of soldiers, that they shall have a certain amount of pay, a certain amount of subsistence, and a certain amount of clothing. We have the estimates coming here. The House of Representatives, on the other side, fails to allow the amount; the bill comes here, and if we fail to allow it, there is a shortage. Of course, under the law which the Senator from Maine [Mr. HALE] has quoted, the Department proceeds to pay the troops and to furnish the subsistence and supplies.

Last year, I may say in extenuation of this large deficit, which I am sorry to see, the Army bill did not carry any appropriation for the extra transportation and extra expense of the Army caused by the Cuban occupation. At that time it was thought possible that by the commencement of the present fiscal year, or before we were far along in it, the cause of that expense might be removed or lessened. So the entire matter of providing extra expense for the Cuban occupation was left out of the appropriation for the Army. That amount

in a year is nearly \$2,000,000; and, of course, it constitutes a large portion of the present Army deficiency.

Another cause of the deficiency is that last year we passed an act enlarging the Army in its artillery branch. When we asked for estimates of what it would cost in clothing, supplies, etc., they were rendered to the Senate, and we failed to supply the necessary appropriation by nearly \$1,400,000. The deficiency bill of last year, in which we were called upon to furnish over a million and a quarter dollars for regular supplies, was cut \$500,000, and the appropriation for clothing and equipage was cut over \$870,500. In entering upon this fiscal year, take forage, for instance: The cutting down of the appropriation for that item last year cut down, and in fact completely exhausted, the amount of forage in stock. We had to go upon the market on the 1st of July, when the crops were not grown, when farmers were not able to say what the prices would be at the time for making contracts, which made necessary their placing the risks of contracts at higher figures. So the Army was compelled to pay higher prices. Had we appropriated more liberally in time, as desired by the Department, we would have saved much money. In the matter of prices for supplies furnished, we are under obligation to furnish to our animals a certain amount of forage and to furnish our men a certain amount of subsistence. The rise in price in these commodities is often unforeseen, and I think that as to these commodities we all will freely admit that during the last year the increase in price has been exceptionally large. For instance, in the matter of coal for the Army, it costs over \$870,000 more for the same amount of coal than it cost the year before and would have cost at the time the estimate was made, the price per hundredweight having increased from \$0.2523 to \$0.3113, or nearly 25 per cent.

In the matter of clothing the amount to be appropriated is frequently cut in the regular appropriation bill upon the ground that there is clothing in stock. When it comes in as a matter of deficiency it is not really a deficiency, because it is clothing in stock; but when we come to the 1st of July without having any clothing in stock, we are at a great disadvantage and lose much money, because in order to buy clothing cheaply the Government regulation cloth for the clothing and the clothing itself must be manufactured under contract, and that can not be done unless the funds are provided.

The rise in forage during the year and since the estimates for the year were made was even greater than in fuel, i. e., from \$0.7768 to \$1.0843, or nearly 40 per cent.

I do not believe the amount allowed for forage in this bill is enough to take the Army through to July 1, 1908, and more will quite likely have to be provided in a later deficiency bill.

I admit that the last year's deficiency for the Army has been largely enhanced by our own fault in not appropriating sufficient money to provide for a supply of subsistence and clothing and a supply of fuel and forage on hand.

In the matter of the expense in Cuba, it was understood by the Committee on Military Affairs that there would be a deficiency.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head of "Legislative," on page 43, after line 22, to insert:

#### SENATE.

To pay to Mary E. and Cornelia I. Morgan, daughters of the Hon. John T. Morgan, late a Senator from the State of Alabama, \$7,500.

The amendment was agreed to.

The next amendment was, at the top of page 44, to insert:

To pay to Lucy T. Roberts, Mary N. Lacy, Alice Pettus, and Edmund W. Pettus, jr., grandchildren of the Hon. Edmund W. Pettus, late a Senator from the State of Alabama, \$7,500.

The amendment was agreed to.

The next amendment was, on page 44, after line 4, to insert:

The Secretary of the Senate is hereby authorized and directed to pay William B. Bankhead, clerk to the Hon. John H. Bankhead, of Alabama, from July 1, 1907, to January 13, 1908; and to Edward Douglas Johnston, clerk to the Hon. Joseph F. Johnston, of Alabama, from August 9, 1907, to December 1, 1907; and to Amos E. Lewis, clerk to the Hon. William J. Bryan, of Florida, from December 26, 1907, to January 8, 1908, for clerical services rendered, from the appropriation for salaries of officers, clerks, messengers, and others in the service of the Senate for the fiscal year 1908.

The amendment was agreed to.

The next amendment was, on page 44, after line 18, to insert:

For superintendent of the document room, at \$2,500 per annum, to be payable from the balance appropriated for said office under the act making appropriations for the legislative, executive, and judicial expenses of the Government, approved March 3, 1907.

The amendment was agreed to.

The next amendment was, at the top of page 45, to insert:

For postage stamps for the office of the Sergeant-at-Arms, \$75.

The amendment was agreed to.



The next amendment was, on page 45, after line 2, to insert:  
For fuel, oil, cotton waste, and advertising, for heating and electrical apparatus, \$12,000.

The amendment was agreed to.

The next amendment was, on page 45, after line 4, to insert:  
For miscellaneous items, exclusive of labor, \$75,000.

The amendment was agreed to.

The next amendment was, on page 45, after line 6, to insert:

The accounting officers of the Treasury are hereby authorized and directed to reopen the accounts of the Secretary of the Senate of the United States for the quarter ending June 30, 1907, and allow in said settlement all the salaries paid by said Secretary to additional clerks to Senators not chairmen of committees, therein disallowed.

The amendment was agreed to.

The next amendment was, at the top of page 47, to insert:

#### JUDGMENTS, UNITED STATES COURTS.

For payment of the final judgments and decrees, including costs of suit, which have been rendered under the provisions of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the Government of the United States," certified to Congress at its present session by the Attorney-General in Senate document No. 195, and which have not been appealed, namely:

Under the Treasury Department, \$1,233.36;

Under the War Department, \$4,368.11;

Under the Navy Department, \$800; in all, \$6,401.47.

The amendment was agreed to.

The next amendment was, on page 47, after line 16, to insert:

To pay balance of interest on judgment in favor of the Atlanta Machine Works against The United States, rendered February 10, 1902, by Judge W. T. Newman in the circuit court of the northern district of Georgia, \$428.02.

The amendment was agreed to.

The next amendment was, under the head of "Judgments, Court of Claims," at the top of page 48, line 1, to insert "and Senate Document No. 196," so as to make the clause read:

For the payment of the judgments rendered by the Court of Claims, reported to Congress at its present session in House Document No. 345, and Senate Document No. 196, namely, etc.

The amendment was agreed to.

The next amendment was, on page 48, line 7, before the word "cents," to strike out "thirty-eight thousand three hundred and forty-eight dollars and sixty-four" and insert "forty-two thousand six hundred and seven dollars and nine;" so as to make the clause read:

Under War Department, \$42,607.09.

The amendment was agreed to.

The next amendment was, on page 48, line 10, before the word "cents," to strike out "three hundred and eighty-one dollars and twenty-nine" and insert "one thousand eight hundred and twenty-three dollars and seventy-one;" so as to make the clause read:

Under Navy Department, \$1,823.71.

The amendment was agreed to.

The next amendment was, on page 48, line 17, to increase the total appropriation for payment of judgments rendered by the Court of Claims from \$187,569.35 to \$193,270.22.

The amendment was agreed to.

The next amendment was, on page 48, after line 22, to insert:

#### AWARDS SPANISH TREATY CLAIMS COMMISSION.

To pay the awards made by the Spanish Treaty Claims Commission under the provisions of the act of March 2, 1901, certified to Congress in Senate Document No. 184, of the present session, \$52,237.75.

The amendment was agreed to.

The next amendment was, on page 58, after line 6, to insert as a new section the following:

SEC. 3. That for the payment of the following claims, certified to be due by the several accounting officers of the Treasury Department under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1905 and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the act of July 7, 1884, as fully set forth in Senate Document No. 197, reported to Congress at its present session, there is appropriated as follows:

#### CLAIMS ALLOWED BY THE AUDITOR FOR THE TREASURY DEPARTMENT.

For collecting the revenue from customs, \$1,388.34.

For contingent expenses, mint at San Francisco, \$1,600.

For refunding taxes illegally collected, \$281.29.

For payment of judgments against internal-revenue officers, \$20,692.23.

#### CLAIMS ALLOWED BY THE AUDITOR FOR THE WAR DEPARTMENT.

For pay, etc., of the Army, \$588.44.

For subsistence of the Army, \$681.

For incidental expenses, Quartermaster's Department, \$4.90.

For transportation of the Army and its supplies, \$751.98.

#### CLAIMS ALLOWED BY THE AUDITOR FOR THE NAVY DEPARTMENT.

For pay of the Navy, \$1,950.39.

For pay, miscellaneous, \$40.20.

For pay, Marine Corps, \$508.23.

For transportation and recruiting, Marine Corps, 80 cents.

For contingent, Bureau of Ordnance, \$26.45.

For contingent, Bureau of Supplies and Accounts, 82 cents.

For construction and repair, Bureau of Construction and Repair, \$19.92.

For indemnity for lost property, naval service, act March 2, 1895, \$250.25.

For destruction of clothing and bedding for sanitary reasons, \$15.70.

For enlistment bounties to seamen, \$306.69.

#### CLAIMS ALLOWED BY THE AUDITOR FOR THE INTERIOR DEPARTMENT.

For salaries and commissions of registers and receivers, \$25.50.

For surveying of public lands, \$1,865.73.

For Geological Survey, \$5.70.

For Indian school, Grand Junction, Colo., \$202.52.

#### CLAIMS ALLOWED BY THE AUDITOR FOR THE STATE AND OTHER DEPARTMENTS.

For public printing and binding, \$49.68.

For salaries of interpreters to legations, \$3.25.

For transportation of diplomatic and consular officers, fiscal year 1907, \$408.35 cents.

For relief and protection of American seaman, fiscal year 1907, \$408.35.

For general expenses, Bureau of Animal Industry, \$3.68.

For botanical investigations and experiments, \$6.20.

For forestry investigations, \$4.12.

For purchase and distribution of valuable seeds, \$83.20.

For general expenses, Weather Bureau, \$17.77.

For fees of clerks, United States courts, \$163.30.

For support of prisoners, United States courts, \$4.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. HALE. On page 22, line 3, before the name "Copenhaver," I move to insert the initials "W. A."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 22, line 3, before the name "Copenhaver," it is proposed to insert the initials "W. A.," so as to read:

The Secretary of the Navy is hereby authorized to pay voucher in favor of W. A. Copenhaver, Washington, D. C., for embossing 2,000 sheets of note paper and 2,000 envelopes, \$11.25, from the appropriation for contingent expenses, Navy Department, for the fiscal year ended June 30, 1907.

The amendment was agreed to.

Mr. HALE. On page 23, after line 11, I move to insert the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 23, after line 11, it is proposed to insert:

Bureau of Supplies and Accounts: For the following for the balance of the fiscal year 1908, namely, two chief bookkeepers at the rate of \$2,000 each per annum; two clerks of class 2; in all \$2,833.35, or so much thereof as may be necessary.

The amendment was agreed to.

Mr. HALE. That is all, Mr. President.

Mr. KNOX. Mr. President, I rise to make the point of order against the amendment which has been inserted on page 8, from line 3 to line 16, inclusive, that it proposes general legislation. This amendment, Mr. President, directs the Secretary of the Treasury not to do a thing which the sundry civil appropriation act of 1907 directed him to do. It also proposes that the Committee on the Library shall have powers which by law they do not now possess, and the amendment is not germane to anything contained in the bill.

I might say in elucidation of this point, Mr. President, that in the last appropriation bill, as this amendment upon its face recites—

The VICE-PRESIDENT. The Chair will suggest to the Senator that he reserve his point of order until the bill shall have been reported to the Senate.

Mr. KNOX. Very well.

Mr. PILES. Mr. President, I have an amendment which I desire to offer to be inserted in line 16, page 13.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 13, after line 16, it is proposed to insert:

For an additional amount to enable the Secretary of War to complete the improvement of Grays Harbor and Chehalis River, Washington, with a view to securing a channel 200 feet wide and 18 feet deep at mean low water, as contemplated by the act approved March 2, 1907, covering this project, \$60,000.

Mr. PILES. Mr. President, I should like to say a word on the amendment.

Mr. HALE. Mr. President, I am constrained to make the point of order against the amendment.

Mr. PILES. I can explain the proposition briefly, if the Senator will permit me.

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Washington?

Mr. HALE. I withhold the point of order for the moment.

Mr. PILES. Mr. President, I would not ask that this amendment be inserted in this bill, because I recognize the character of the bill, if it were not for a very urgent necessity. At the last session some \$177,000 was appropriated for the purpose of straightening and deepening the channel of Grays Harbor, in connection with the Chehalis River, making it 200

feet wide and 18 feet deep. After the preliminary estimate and survey had been made, the channel was filled up to a certain extent, and the amount appropriated was found insufficient to keep the channel on the lines provided for by existing law. The work is being done under the continuing contract system. The dredge and all the appliances are engaged on this waterway, and are at work at the present time, but by reason of the insufficiency of the appropriation, the waterway, instead of being made 200 feet wide, is now being constructed with a width along part of its course of 170 feet and along other parts with a width of 100 feet, and the depth is being considerably shoaled.

This is one of the greatest shipping points we have on the Pacific coast. The largest lumber mills on the coast are located there, and it will necessitate the expenditure of a larger sum of money hereafter if the Government does not provide in this bill for the appropriation which I now seek. The dredges and other appliances now at work will be withdrawn about the 1st of March, and if this appropriation can not be provided for on this bill, the Government will later on, in order to make the improvements which have been provided for, with the width and depth of channel proposed, will be compelled to expend from \$30,000 to \$60,000 more than it would now cost if the work should proceed on the present plan. For that reason I hope the Senator from Maine will not make the point of order against the amendment.

Mr. HALE. Mr. President, I wish I could yield to the suggestion of the Senator, but I am trying to keep the bill as closely as possible to its purpose. The amendment is clearly subject to the point of order, as it proposes an entirely new plan for expending money.

The VICE-PRESIDENT. The Chair sustains the point of order.

The bill was reported to the Senate as amended.

The VICE-PRESIDENT. In the absence of objection, the amendments made to the bill as in Committee of the Whole will be considered as agreed to, with the exception of the amendment on page 8, which has been reserved by the Senator from Pennsylvania [Mr. Knox]. The Chair hears no objection, and the amendments made as in Committee of the Whole, with the exception of the one noted, are agreed to.

Mr. KNOX. Mr. President, I now renew the point of order that I made while the bill was before the Senate as in Committee of the Whole, and for the reasons then assigned.

The VICE-PRESIDENT. The question is on the point of order raised by the Senator from Pennsylvania, which will be stated by the Secretary.

The SECRETARY. The point of order is:

That the amendment proposes general legislation:

First. Because it directs the Secretary of the Treasury not to do that which the law says he shall do.

Second. Because it confers a power on the Committee on the Library that under the law does not exist.

Third. It is not germane to anything in the bill.

The VICE-PRESIDENT. The Chair is clearly of the opinion—

Mr. HALE. Mr. President, I hope this provision will not go out; but of course it is subject to the ruling of the Chair. It is a provision which was inserted in the other House by the committee having charge of the bill and, so far as I can discover from the debate, was not contested on its merits, but went out on a point of order. The managers of the bill on the part of the House were very desirous that the amendment should be put in the bill, in order that it might go into conference, and the Senate committee has put it in. I am satisfied the facts are such that it ought to remain in the bill.

Mr. DOLLIVER. Mr. President, I think a plain statement of the facts connected with this item will indicate that it is properly in the bill. The Senator from Pennsylvania [Mr. Knox] is of the impression that it undertakes to require the Secretary of the Treasury not to do a thing which the law requires him to do. In point of fact, this little appropriation reveals a very quaint situation.

A learned professor, I think in Pennsylvania, proposed to Congress to collect the authentic manuscripts of certain ancient charters and constitutions. Afterwards, as I understand, he took in with him in the enterprise a very learned student of history in the State University of my own State, with mutual contracts and agreements as to the labor of compiling these documents. The two disagreed because the character of the material collected was not satisfactory to the Iowa professor. This publication, which has now, as I understand, been printed, purports to be a collection of these old charters and documents. In point of fact, it is a reprint of a book issued many years ago by Ben: Perley Poore, and this printing has been done not from

certified copies of original manuscripts, but from the printed pages of a work already in existence. I am informed that it is not an accurate reprint of the documents at all; that it is full of errors and omissions, and is of no earthly value either as a legal or as a historical work. The Treasury Department, finding no authority authorized by law to pass upon the authenticity of the documents, holds it is not required by law to pay for it, but has refused altogether to pay and, as I understand, will continue to so refuse until evidence is produced that the printed matter is the thing Congress agreed to pay for or is passed upon by some authorized person.

Now, it appears to me there ought to be an immediate provision made for the correction of the errors in these ancient documents and some authority created to pass upon their authenticity. When that is done the money ought to be paid. But it certainly is a bad situation to be paying \$10,000 for a publication which is in no sense an authentic reprint of any ancient constitutions or charters such as Congress intended to have printed. This work is worthless unless its accuracy is unquestionable. Neither the Pennsylvania professor nor the Government can afford to put their names on a defective and incomplete publication of this sort. It not only throws away the money, but puts all parties in a bad light. It is an unnecessary situation, since the certified transcripts of these documents are now in the hands of the Iowa expert, to whose connection with this work I have alluded.

Mr. KNOX. Mr. President, I do not exactly see the relevancy of the suggestions upon the merits to the parliamentary question raised by my point of order. Neither do I intend to enter into a discussion as to the merits between a distinguished professor in Iowa and a distinguished professor in Pennsylvania.

Mr. DOLLIVER. If the Senator will pardon me, I understood his point of order to be based upon the fact that the amendment requires the Treasury Department not to do what the law now requires it to do.

Mr. KNOX. That is one of the reasons assigned. The point of order is that it is general legislation.

But, Mr. President, I think I would be remiss, probably, if I did not state that the situation is not quite so difficult as my friend, the Senator from Iowa, has suggested. The Congress in 1907 passed an act appropriating \$10,000 for payment to the compiler of this work. There was no condition at all imposed in that act. The work was not to be subjected to the supervision of the Committee on the Library, nor was the Secretary of the Treasury authorized to withhold payment until anyone passed upon the quality of the work. However, the Secretary of the Treasury having ascertained what my friend, the Senator from Iowa, has stated to the Senate, that there was some difficulty about this work, that probably it was not so thorough or so accurate as it might be, made a law unto himself. He overlooked entirely the fact that the appropriation was unconditional, and he absolutely declined to pay this bill; and I am not criticising him for it at all.

But Professor Thorpe, with a law of Congress at his back and a stubborn Treasurer in front of him, did the only thing that he could have done under the circumstances. He took advantage of the position in which Congress placed him, and he went into the courts, and by an appropriate proceeding in mandamus he asked that the Secretary of the Treasury be compelled to pay him for his work, in accordance with the provisions of the law. The Secretary of the Treasury filed an answer to the petition for mandamus, and in the answer he set up the defects in this work, whereupon Professor Thorpe demurred to the answer, which to all lawyers means simply that Professor Thorpe said by that demurrer, "notwithstanding the defects in this work, I am entitled to my \$10,000." Upon that demurrer the court overruled Professor Thorpe, and the whole question is now before the court on its merits, where it should be, under the circumstances.

Mr. FRYE. Mr. President, I doubt whether the Senator from Pennsylvania can make his point in the form in which it appears. The third point made is that it is not germane. If that point is insisted upon, under the rules the Senate must decide it. The first point is that it is general legislation. The last is that it is not germane. The rule says that where the point that an amendment is not germane is raised, it must be referred by the Presiding Officer to the Senate.

Mr. KNOX. I am entirely willing to reply upon the first ground suggested in the point of order.

The VICE-PRESIDENT. The Chair is of the opinion that the amendment proposes general legislation, and is therefore obnoxious to the rule. The Chair therefore sustains the point of order for the first reason assigned by the Senator from Pennsylvania.



The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

OTIS C. MOONEY.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 39) to correct the military record of Otis C. Mooney.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of War to correct the military record of Otis C. Mooney, late private of Company K, Eighth Vermont Infantry Volunteers, and grant him an honorable discharge as of date May 18, 1864.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### REVISION OF THE PENAL LAWS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2982) to codify, revise, and amend the penal laws of the United States.

Mr. HEYBURN. Mr. President, the bill has been read, and read the second time by section, and considered except as to twenty-eight sections of one class, which were passed over for further consideration at the request of Senators. Then there are eight sections which were passed over that carry with them a single feature of legislation. Then chapter 10, which relates to slavery, was passed over, with the understanding that the sections which were passed over would be taken up for independent consideration.

I will say to the Senators that the sections passed over have been printed separately; and if they are not already on their desks, the officers of the floor are preparing to hand them to each Senator. I will ask that these sections be taken up now in their order.

Mr. BACON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Georgia?

Mr. HEYBURN. Certainly.

Mr. BACON. I want to recall to the attention of the Senator the fact that the understanding was not simply that these particular sections which are now brought to the attention of the Senate by him should be subject to be called up for action, but the statement was made by the Senator, or I think made by the Chair and concurred in by the Senator, that the understanding was that each section which had been passed would still be open for any criticism or objection that might be made thereto.

Mr. HEYBURN. That was the understanding.

Mr. BACON. I state that, because there are some sections to which I shall ask the attention of the Senate which are not included in the republished bill.

Mr. HEYBURN. The Senator from Georgia correctly states the understanding, but I think also the understanding was that we would first take up those that were passed with the more express understanding that they would be considered first.

Mr. BACON. Yes.

Mr. HEYBURN. Section 5 is the first.

The VICE-PRESIDENT. The Secretary will read the first section passed over.

Mr. HEYBURN. Those sections have all been read. Is it the desire that they be read again?

The VICE-PRESIDENT. The Senate recurs to the section, which the Chair understands has heretofore been read, in order that it may be passed upon for purposes of amendment or such other action as the Senate desires to take.

The SECRETARY. Section 5, on page 3, is the first section that was passed over.

The VICE-PRESIDENT. If there is no amendment proposed, the Secretary will proceed to the next section.

Mr. BACON. I do not like to make any suggestion which will cause delay in the proceedings, but it is impossible for any Senator to carry in his mind a correct understanding of each one of these sections. There are a great many of them. Here is a pamphlet of probably a hundred pages. A great many of them are long sections, and some of them are sections that were possibly passed over at the suggestion of one Senator and some at the suggestion of another, and at the time they were passed over there was no consideration given to them at all, at least as to some of them, and unless the sections are read again it will be impossible for me—I speak for no one but myself—

Mr. HEYBURN. I did not ask that they be not read. I was merely endeavoring to start off with an explicit understanding.

Mr. BACON. I understood from the direction the Presiding

Officer gave that in the absence of some objection they would not be read.

Mr. HEYBURN. I did not so understand.

Mr. BACON. I may have misunderstood the Chair.

Mr. HEYBURN. I supposed they would be read as they are reached.

The VICE-PRESIDENT. It is all within the control of the Senate. The Secretary will read the section now under consideration.

The Secretary read as follows:

SEC. 5. Every citizen of the United States, whether actually resident or abiding within the same, or in any place subject to the jurisdiction thereof, or in any foreign country, without the permission or authority of the Government, directly or indirectly, commences or carries on any verbal or written correspondence or intercourse with any foreign government or any officer or agent thereof, with an intent to influence the measures or conduct of any foreign government or of any officer or agent thereof, in relation to any disputes or controversies with the United States; or to defeat the measures of the Government of the United States; and every person, being a citizen of or resident within the United States or in any place subject to the jurisdiction thereof, and not duly authorized, counsels, advises, or assists in any such correspondence with such intent, shall be fined not more than \$5,000 and imprisoned not more than three years; but nothing in this section shall be construed to abridge the right of a citizen to apply, himself or his agent, to any foreign government or the agents thereof for redress of any injury which he may have sustained from such government or any of its agents or subjects.

Mr. HEYBURN. Mr. President, this section is enlarged so as to apply to jurisdiction added since the enactment of the original law, and I think it may be fairly said that there is no other change of existing law than the addition of the words "or in any place subject to the jurisdiction thereof." It was passed over before Senators, I think, really comprehended the plan under which this work was presented to the Senate, and I do not remember that any special objection was made further than the inquiry as to the meaning of those words and the purpose of their adoption by the committee.

It must be obvious that the provisions of this law should extend to any place under the jurisdiction of the United States. Otherwise we would permit this kind of an offense in one portion of our jurisdiction and not permit it in another. So, unless there is some special objection other than that interposed before, the section seems to me to be existing law.

Mr. BACON. I do not know at whose instance the section was passed over. I was not present in the Senate when it was done. Can the Senator inform me?

Mr. HEYBURN. My recollection is that it was passed over at the suggestion of the Senator from Texas [Mr. CULBERSON]. But it was done in rather a casual way because it was a new provision, and at that time considerable discussion was had as to whether or not every section containing any italics was not new legislation because of the fact that it was a change of existing law. We had not, as I say, arrived at so complete an understanding as to the plan upon which the work of the committee was presented.

Mr. BACON. I want to make a suggestion to the Senator. This is properly denominated a revision of the law, and where there is no change made, of course, we in no manner, by failing to take action in regard thereto, commit ourselves to the propriety of the law and in no manner do we reenact it. But wherever any change is made at all, even an immaterial change, if we adopt it we practically reenact the statute. So it is before us for challenge necessarily. We reenact it if we make the change of a word.

This is a question to which I have not had my attention directed before the reading of the section at this particular moment, but it strikes me as being a section that I would not be willing to give my consent to as a part of the law of the United States; and I think that wherever we find a section that we are not willing to give our consent to or our approval of, we ought to be slow to pass it in that shape. I note by looking at the original law that it is a statute passed in 1790, during the Administration of the elder Adams. While it is not a part of the alien and sedition law, it appears to me to be very close kin to legislation of that kind, which, as we know, created a tremendous furore in this country and fell under the condemnation of the people of the United States. The terms of this law, it seems to me, are such that a citizen in the pursuit of the protection of his own interest might incur a very heavy penalty, to say nothing of the trouble and expense of a prosecution. If I read it aright, if the Government of the United States was in correspondence or negotiation with the British Government about a matter between the United States and Canada—treaties having been made, of course, with the parent Government, the British Government—although the treaty might relate to a business matter in which a citizen of the United States was very closely interested, it would be a felony, punishable by a grievous penalty, if that citizen were to communi-

cate in any way with any of the authorities of the British Government looking to an adjustment, which, while it might not be the adjustment desired by the United States Government, might be an adjustment which was to his business interest. Do I misconstrue the law, I will ask the Senator from Idaho, because I have had to read it very hastily, of course?

Mr. HEYBURN. This provision, adopted at the very beginning of our Government, was to prevent just such happenings as occurred with reference to a certain diplomatic officer representing France in the United States at that time.

Mr. BACON. I recollect it.

Mr. HEYBURN. Perhaps the Senator will recall the circumstances.

Mr. BACON. I do.

Mr. HEYBURN. The necessity arose out of the embarrassments, I think, that surrounded the situation in that case. I merely use it as an instance. His presence in this country was declared throughout our Department of State to be against the best interests of the Government. He retired in his diplomatic capacity and returned in his individual capacity to keep up the same agitation.

Mr. President, this is the existing law, and the committee, whether they approve of its measures or not, did not stop to consider. The only change made by the committee was the adaptation of that law of long standing to existing conditions. No change was made in the law. The additional words simply go to the territorial limits of the jurisdiction. I think there is no change at all that goes to the purpose or effect of the law. Under these circumstances I suggest to the Senator from Georgia that it would not be wise for us to enter upon a consideration of the wisdom of legislation represented by existing law. Otherwise we would have to consider the reenactment of all the law before us in this report.

Mr. BACON. Mr. President, I do not entirely agree with the Senator from Idaho in regard to that, because I have some other sections in my mind which I think ought to be eliminated instead of getting the renewed approval of the Congress of the United States—sections which were passed in the heat of great political excitement and which ought no longer to be upon the statute book.

But, recurring to this particular section, if there is a law that is grossly unjust and liable to work great hardship upon a citizen of the United States, and we so find it, we ought not to reenact it. If it is a section that has no change in it, we have it within our proper jurisdiction at this time, it seems to me, to eliminate it from the law if we find it to be an objectionable one.

Let us look at this particular statute and see how very harsh it is. It does not simply make it a felony for a citizen of this country to communicate in any way with the officers of a foreign government for the purpose of defeating the measures of the United States, but it makes it a felony for him to communicate upon the subject-matter which is in process of negotiation between the two countries. Let me read it. But before reading it I want to say another word in regard to the suggestion of the Senator as to the cause which first gave rise to this statute. The party to whom he referred was a citizen of France, and this statute is leveled against citizens of the United States. Am I correct in that?

Mr. HEYBURN. I am not accurately advised as to the facts, but my recollection is that he came back here with the declared intention in that very early day when the intention was all practically that was necessary of becoming a citizen of this country. However, I merely cite it as an instance of the probable cause for this legislation.

Mr. SUTHERLAND. Mr. President—

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Utah?

Mr. BACON. I do.

Mr. SUTHERLAND. As I recall the circumstances under which this act was passed, it was passed in 1799, and it was at that time called the "Logan Act." It was passed because a citizen of this country, Dr. George Logan, at the time when the relations between France and this country were somewhat strained, went to France ostensibly upon some other business and meddled in the question of the relations between this country and France, to the very great embarrassment of this Government, and because of the embarrassment which resulted from that, this act was passed.

Mr. BACON. I misunderstood the reference of the Senator from Idaho. The incident I had in mind was the case of the representative of the French Government, who about that time became persona non grata on account of similar interference here. But I did not have in mind the instance to which the Senator from Utah now alludes, which would put it directly in the line of this legislation.

Mr. SUTHERLAND. That was the direct cause of the legislation, and at that time it was called the "Logan Act."

Mr. BACON. Now, to recur to the terms of this statute—

SEC. 5. Every citizen of the United States, whether actually resident or abiding within the same, or in any place subject to the jurisdiction thereof, or in any foreign country, without the permission or authority of the Government, directly or indirectly, commences or carries on any verbal or written correspondence or intercourse with any foreign government or any officer or agent thereof, with an intent to influence the measures or conduct of any foreign government or of any officer or agent thereof, in relation to any disputes or controversies with the United States—

That is complete in itself. Then it goes on to say—  
or to defeat the measures of the Government of the United States.

So this statute makes it a felony, with a grave penalty, for any citizen of the United States to get into communication with any officer of a foreign government as to any matter between this Government and that government then in negotiation between them.

I do not know how we are to proceed with the consideration of this matter with simply—I will not say how many Senators present—but certainly not two-thirds of the Senate present. I do not know how we are to proceed in the discussion and determination of these grave matters without the consensus of a sufficient number of the Senate to show that it is having proper attention. So long as we were going on as we have heretofore in the consideration of sections of the Revised Statutes to which there was no particular objection, that was one thing, but when the matters which are controverted and which were left over come up to be decided it seems to me we should have some little better understanding than we have now as to the method under which we are to proceed.

I have endeavored to make myself understood without putting myself in a position to embarrass the Senator from Idaho and his colleague, the Senator from Utah.

Mr. HEYBURN. Mr. President, I know to what the Senator from Georgia refers, of course. I would be glad to have the presence of a larger number of Senators when these controverted sections are under consideration. I also realize the embarrassment that would follow from making a suggestion. If the statutes of the United States are to be revised at all, it can only be done by a general consent on the part of Senators either to be present or else to take no advantage of the fact that they are not present. That is evident. Under the rules of this body it is possible absolutely to defeat the revision of the laws, as that measure has been defeated and postponed for so long a period. A resort to any form of parliamentary tactics that would delay this bill simply means to abandon the work of many, many years, and I am quite confident that no Senator would want to render nugatory the work that is before the Senate in the shape of this bill.

So I will have to appeal to Senators to waive objections that go only to existing law. It would not be possible to revise and codify these laws in any length of time that would be at our disposal if we are to enter upon the consideration of the wisdom of the legislation of those who have gone before us. That must be evident, because this bill contains the result of the legislation of a century and more and an amount of discussion and consideration that could not be stated.

So it is evident that unless the Senate is of the temper and in the mind to allow existing law to take its chances for reformation in the nature of original legislation under the rules of this body through the standing committees of the body we might just as well abandon any attempt to revise these laws.

I should like to consider this question fully at this time and settle upon a policy, because we are expending a great deal of labor and a considerable amount of public moneys in preparing other titles of the law for consideration in this body with a view of revising and codifying it. If we are to meet with the objections that might be urged against existing law because Senators differ in their opinion with the wisdom which enacted that law, we might just as well at the beginning know it and cease all of this work, because in a few days we will be ready to report the Title of the Judiciary, which involves more controverted questions than are involved in this criminal code, and which involves a class of questions which will appeal more closely to the members of this body than do those pertaining to the criminal law.

If we start in to revise the laws of the United States with the understanding that we will not attempt original legislation, that our efforts shall be confined to the readjustment of the language so as to weld together existing law without in any way changing the meaning or purpose of the law, I think we can revise and codify it; but I am quite sure if we are to consider, as in this case, the wisdom of the Congress of 1799, we will enter upon a hopeless task.

So I appeal to Senators if it is not best at this time to have



an understanding that we will deal only with the use that is made of existing law in welding it into a convenient form under the provisions for codification and revision and will not attempt either to incorporate new legislation or to repeal existing legislation. Technically speaking, the change of a word in a statute is new legislation. But let us waive that technicality and deal only with the substance. Let us take existing law, using such apt words as are necessary to weld it together into concise and intelligent form, and content ourselves with that. Then we may hope to accomplish the purpose for which the Commission was created and for which your committee was appointed. I appeal to Senators if that is not the only possible hope of ever accomplishing the purpose upon which we have entered.

Mr. BACON. Mr. President, one trouble about the suggestion of the Senator from Idaho is that the work of the committee does not consist merely of a revision for the purpose of improving the style and of abridging or making more concise the various provisions of law, blending together things which are widely separated in some instances. The very next two sections ahead of us I understand are new sections entirely, and if new sections are to be added, of course the door which opens the possibility of that admits also the entertainment of the question of subtraction.

Mr. HEYBURN. If we may deal with section 5, now under consideration, I promise the Senator from Georgia that when we reach those next sections, so far as I am concerned as chairman of the committee, there will be very little ground for controversy.

Mr. BACON. Of course I realize the extreme difficulty of the Senator's task. The question is not simply one of the consideration of the measure as we go through with it, but putting it in a shape where it will ultimately receive the vote of Senators. It seems to me that where there are grave objections to provisions of law, in order to gather the support of Senators it is very important that the objectionable features should be eliminated.

Mr. HEYBURN. Mr. President, I realize that what the Senator from Georgia says is true, and it is a question to be considered at this time seriously and I hope finally, so far as the consideration of the pending bill is concerned. But I would inquire of the Senator from Georgia whether or not in his judgment, from an inspection of section 5, there is any new legislation in it.

Mr. BACON. I do not think there is anything material except the extension over additional territory.

Mr. HEYBURN. The change there is geographical.

Mr. BACON. Yes. My objection is as to the law as it stands.

Mr. HEYBURN. Is the Senator willing to waive his objection to the existing law for the purposes of considering this bill, because if Senators are not willing to accept existing law for the purposes of the consideration of the bill, I see before me nothing but a hopeless task, and I see behind me a lot of futile work extending over many months?

Mr. BACON. Mr. President, I do not know what to say to the Senator. If the Senate were present it would be a very easy matter. But I submit to the Senator now, where there is an issue between the committee and any Member of the Senate as to whether a proposed change should be adopted, how does the Senator propose to have it settled? By a vote?

Mr. HEYBURN. I presume that every section will have to be determined by a vote where a vote is called for; but I also hope that a vote will only be called for where there is some real, live principle of law involved, that is either new or in the nature of new law, or a new application of existing law. The committee has tried to avoid reporting either new law or a new application of existing law. I think there are eleven new sections. In one sense they are new, but as a fact they are sections rendered necessary because of the rearrangement of existing law.

Should the Senate determine that we are wrong in the conclusion that these new sections are rendered necessary, of course we will be compelled to yield them, because it is not the purpose or the intention of the committee to insist upon new legislation in connection with the consideration of the bill. They realized from the very start the difficulty of the task, not only the difficulty involved in the intellectual process of evolving the law from an admixture of statutes, many of which were overlapping and inconsistent and one passed without the knowledge even of the existence of another, but the difficulty that must necessarily arise from determining the method of consideration. We are face to face with that now, and no more serious period has been reached in the process of revising and codifying the laws than that which now presents itself to us.

The VICE-PRESIDENT. The Chair will suggest that it is

his understanding that action is not necessary upon the section now under consideration; that the entire bill will be open to amendment as in Committee of the Whole until the bill is reported to the Senate; and that a section passed over is merely brought again to the attention of the Senate for consideration and amendment, if thought necessary, and no vote is required upon the section.

Mr. HEYBURN. I so understand, and I merely wanted the Record to show that when we pass over these sections they are passed over with the same purpose as the sections not included in this reprint.

The VICE-PRESIDENT. Precisely. That is quite correct. The Secretary will read the next section passed over.

The Secretary read the next section passed over, as follows:

Sec. 33. Whoever, being an officer authorized to administer oaths or to take and certify acknowledgments, shall knowingly make any false acknowledgment, certificate, or statement concerning the appearance before him or the taking of an oath or affirmation by any person with respect to any proposal, contract, bond, undertaking, or other matter, submitted to, made with, or taken on behalf of, the United States, and concerning which an oath or affirmation is required by law or regulation, or with respect to the financial standing of any principal, surety, or other party to any such proposal, contract, bond, undertaking, or other instrument, shall be fined not more than \$2,000 or imprisoned not more than two years, or both.

Mr. HEYBURN. Mr. President, this section is new legislation at the suggestion of the administrative branch of the Government. It was my opinion at the time that it was not within the province, or if it was within the power it was not appropriate for the committee to propose new legislation either upon their own initiative or at the instance of any person or branch of the Government. But the committee have reported this section. It is new, and it is with the Senate to say what they will do with it. An amendment was suggested to strike out the words "or regulation."

Mr. SUTHERLAND. I understood the objection which the Senator from Colorado [Mr. TELLER] made to the section was that it made it a criminal offense to violate a regulation made by an administrative officer of the Government.

Mr. TELLER. What section is that?

Mr. SUTHERLAND. It is section 33. It makes it a criminal offense to make a false certificate in a matter concerning which an oath or affirmation is required by law or regulation. I understood that the objection of the Senator from Colorado was to the word "regulation."

Mr. TELLER. That was the objection I had. I do not believe we can authorize any head of a Department to make a regulation the violation of which shall become a criminal offense, and I want to strike out the word "regulation."

The VICE-PRESIDENT. The Secretary will state the amendment proposed by the Senator from Colorado.

The SECRETARY. On page 19, line 19, section 33, after the word "law," strike out the words "or regulation."

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Colorado.

Mr. SUTHERLAND. If the section is to remain, I am not in favor of striking out the word "regulation."

Mr. TELLER. I do not intend that the bill shall pass with that word in it. I shall oppose it even if it defeats the whole bill. The Supreme Court of the United States have said that Congress can not authorize the head of a Department to so make a regulation the violation of which shall be a crime, and it ought to be apparent to every lawyer in this country that that can not be done. It is enough for the Department to enforce the law, and it is enough to punish men for a violation of the law and not for a violation of the will of some clerk or subordinate who may draft regulations.

Mr. President, I have some feeling about this matter. I propose that the word "regulation" shall go out if I can get it out. If not, I want to say that I shall start in with a fight on the bill, and there will be a quorum here every time there is a vote taken.

Mr. McLAURIN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Mississippi?

Mr. TELLER. I yield to the Senator.

Mr. McLAURIN. I will state to the Senator that I do not understand it authorizes a Department to make a regulation that shall be law, but only that the false certificate of an officer to an affidavit that is required by law or an affidavit required by the regulation of a Department shall be a criminal offense.

Mr. TELLER. Mr. President, I do not think it is worth while to discuss it. I have gone over it and I believe this will be one of the things which will be held to be an offense under the law. Nineteen of my constituents were recently indicted for violating the regulations made by the head of a Department under authority to make regulations to carry out the statute,

Instead of doing that the Department went to enacting laws by way of regulations. The court, of course, knocked it out; but I do not desire to give an opportunity for any more of that kind of business.

Mr. SUTHERLAND. I do not object to the entire section going out, if that is the desire of the Senate, but I have suggested that there is a distinction between the provision of the section and the provisions of law which the Supreme Court has held to be invalid. I think the distinction is a very clear one, and it has been recognized by the Supreme Court repeatedly.

Mr. TELLER. I have examined the question, and I am very confident we shall have the same trouble with this provision that we have had with some others. I think it had better go out. I do not agree with the Senator from Utah on this proposition.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Colorado.

Mr. SUTHERLAND. That is to strike out the words "or regulation."

Mr. TELLER. "Or regulation." That is all I ask shall be stricken out.

Mr. KEAN. I thought the Senator from Colorado proposed to move to strike out the whole section.

Mr. TELLER. No; I only moved to strike out the words "or regulation."

Mr. SUTHERLAND. Mr. President, I dislike very much to persist in this matter, but I do not think I ought to permit a vote to be taken without calling attention to one or two decisions of the Supreme Court upon this precise question. If the section is to be enacted at all, I think it ought to retain the language which the Senator from Colorado moves to strike out.

I call attention to the decision of the Supreme Court in 165 United States, which is a very recent decision, at page 533, where the court very clearly lays down the line of distinction between the case which we are now considering and a case where the violation of a regulation can not be made a criminal offense. At page 533 the court uses the following language:

We agree that the courts of the United States, in determining what constitutes an offense against the United States, must resort to the statutes of the United States, enacted in pursuance of the Constitution. But here the law required the packages to be marked and branded, prohibited the sale of packages that were not, and prescribed the punishment for sales in violation of its provisions, while the regulations simply described the particular marks, stamps, and brands to be used. The criminal offense is fully and completely defined by the act, and the designation of the Commissioner of the particular marks and brands to be used was a mere matter of detail. The regulation was in execution of, or supplementary to, but not in conflict with, the law itself, and was specifically authorized thereby in effectuation of the legislation which created the offense. We think the act not open to the objection urged, and that it is disposed of by previous decisions. (*United States v. Bailey*, 9 Pet., 238; *United States v. Eaton*, 144 U. S., 677; *Caha v. United States*, 152 U. S., 211; *In re Kollock*, 565 U. S. Reports, p. 533.)

And again, on page 534, referring to the case in 152 United States, and quoting from that case, the court says:

This is not a case in which the violation of a mere regulation of a Department is adjudged a crime. *United States v. Bailey* (9 Pet., 238) is in point. There was an act of Congress making false testimony in support of a claim against the United States perjury, and the defendant in that case was indicted for making a false affidavit before a justice of the peace of the Commonwealth of Kentucky in support of a claim against the United States. It was contended that the justice of the peace, an officer of the State, had no authority under the acts of Congress to administer oaths, and that, therefore, perjury could not be laid in respect to a false affidavit before such officer. It appeared, however, that the Secretary of the Treasury had established, as a regulation for the government of his Department and its officers in their action upon claims, that affidavits taken before any justice of the peace of any of the States should be received and considered in support of such claims. And upon this the conviction of perjury was sustained, Mr. Justice McLean alone dissenting. It was held that the Secretary had power to establish the regulation, and that the effect of it was to make the false affidavit before the justice of the peace perjury within the scope of the statute, and this notwithstanding the fact that such justice of the peace was not an officer of the United States. Much stronger is the case at bar, for the tribunal was composed of officers of the Government of the United States; it was created by the Land Department in pursuance of express authority from the acts of Congress. This perjury was not merely a wrong against that tribunal or a violation of its rules or requirements; the tribunal and the contest only furnished the opportunity and the occasion for the crime, which was a crime defined in and denounced by the statute.

So in this statute, providing that it shall be an offense for an officer to certify falsely in a matter concerning which an oath or affirmation is required by law or regulation, the provision for the regulation simply furnishes the occasion for the commission of the offense, but the offense is the violation of the statute—not the violation of the regulation. Let me repeat what the Supreme Court says:

The tribunal—

Mr. TELLER. If the Senator from Utah will permit me, I have read that opinion several times. The Senator need not read it for my benefit. He may read it if he wants to convince the Senate, but he need not read it on my account.

Mr. SUTHERLAND (reading):

The tribunal and the contest only furnished the opportunity and the occasion for the crime, which was a crime defined in and denounced by the statute.

There is much more to the same effect, but I will content myself by reading simply the concluding clause. After referring to other cases, the Supreme Court says:

This, it will be observed, is very different from the case at bar, where no violation is charged of any regulation made by the Department. All that can be said is that a place and an occasion and an opportunity were provided by the regulations of the Department, at which the defendant committed the crime of perjury in violation of section 5392. We have no doubt that false swearing in a land contest before the local land office in respect to a homestead entry is perjury within the scope of said section.

Mr. President, it is of no particular importance perhaps in this one section, but there are other sections—sections of existing law—which make exactly the same provision, and under which many cases have been prosecuted. So it is a matter which goes to a very large part of the bill. If it were not for that, I should not have said what I have said with reference to it. I do not think the word "regulation" ought to be stricken out of the section. If the section is to remain at all, I think it is essential that that part should remain in it.

Mr. TELLER. If the Senator who has charge of the bill will agree to strike out the section, of course that will save any question about the word "regulation."

Mr. HEYBURN. Mr. President, I do not think it would be appropriate for me to move to strike out sections from this bill, even though I had reserved the right to express an independent or differing opinion when they were under discussion. I think that any motion to strike out a section should come from some Senator other than myself, representing, as I do, the will of the committee who reported this bill, and the sections so reported were reported pursuant to the wishes of the majority of the committee.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Colorado [Mr. TELLER].

The amendment was agreed to.

The VICE-PRESIDENT. The Secretary will resume the reading of the sections of the bill heretofore passed over.

The Secretary read the next section passed over, as follows:

Sec. 47. Whoever shall go upon any military reservation, Army post, fort, or arsenal, for any purpose prohibited by law or military regulation; or whoever shall reenter or be found within any such reservation, post, fort, or arsenal, after having been removed therefrom or ordered not to reenter by any officer or person in command or charge thereof, shall be fined not more than \$500 or imprisoned not more than six months, or both.

The Secretary read the next section passed over, as follows:

Sec. 49. [Whoever shall embezzle, steal, or purloin any money, property, record, voucher, or valuable thing whatever, of the moneys, goods, chattels, records, or property of the United States shall be fined not more than \$5,000 or imprisoned not more than five years, or both.]

Mr. BACON. Mr. President, there is a change made in the existing law by that section, the policy of which I very gravely doubt. Under the law as it now stands, the perpetrator of either of the crimes mentioned in this section may be tried and punished in the district in which the crime is committed or in the district into which he may carry the property. The section proposes to eliminate the latter feature of the law and to make the perpetrator punishable only in the district where he originally perpetrated the crime.

Mr. HEYBURN. Mr. President, this is the section over which we had a great deal of discussion on a recent occasion.

Mr. BACON. Yes.

Mr. HEYBURN. The States have widely differing laws in regard to this subject. It has been held competent for the legislatures in some States to enact a similar law and in others it has been held that they could not. I have asked for a list of the States having laws upon this subject, so that I anticipated when the section came up I would be prepared to give that information; but it has not yet come to me. However, it would be competent for Congress, in fixing the jurisdiction of the United States court for the trial of the class of offenses covered by this section, where the property follows the party taking it, or the party is found in possession of it in a jurisdiction different from that in which he took it, to give jurisdiction in both places; that is to say, that the party might be apprehended and tried where he was found with the property he had stolen or embezzled, or he might be taken back to the place where he committed the offense. That is a matter of policy.

The section as reported by the committee is in harmony with the majority of the decisions upon this question, and is in harmony with the best thought, if I may use that term, of our own Supreme Court of the United States, but the Supreme Court of the United States, of course, would be governed by the action of Congress in determining the question of jurisdiction.

Mr. BACON. I do not know that I care to interrupt the



Senator right at this point, but I will call his attention to what I understood to be the contention of his colleague, the Senator from Utah [Mr. SUTHERLAND], when this matter was first before the Senate some days since. I understood the suggestion of the Senator from Utah to be that the principle under which one who has committed larceny could be punished in any jurisdiction into which he carried the stolen property could not apply to a case of embezzlement, and that therefore the law was incongruous. I think in that he was mistaken, although I myself may be in error, because, as I said the other day, I do not profess to be a criminal lawyer. While I have had some practice in that line, most of my practice has been on the civil side of the court.

Mr. SUTHERLAND. Will the Senator yield to me for a moment?

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Utah?

Mr. BACON. With pleasure.

Mr. SUTHERLAND. If I made that statement—and I have no doubt I did if the Senator from Georgia says I did—it was an inadvertence. I think the Senator is correct, that the two offenses of embezzlement and larceny are affected in that respect by the same rule. I think that is correct.

Mr. BACON. Yes, because the only difference between embezzlement and larceny is that in the one case it is the felonious taking of the goods or property with which a party was intrusted, and in the other case where he was not so intrusted. If I recollect aright—and I think if the Senator will refer to the RECORD he will so find—that was the reason given why the change was made. In the absence of that, I know of no reason why there should be any change.

In response to the suggestion of the Senator from Idaho [Mr. HEYBURN] as to the decisions of the court, I do not think it depends in the administration of the criminal law upon the statute as to whether that principle should be invoked. If I am not mistaken in my recollection, it is a principle of common law that a party is liable to be indicted, tried, and punished in any jurisdiction into which the stolen article is carried. I may be mistaken about that, but I do not think so.

Mr. HEYBURN. Mr. President, I have no doubt at all that the Senator is correct in that, but were this confined to offenses that imply necessarily the possession of the property at the time of the arrest, then there would be no embezzlement. The Senator will see that this is a little broader than seems to have occurred to him.

SEC. 49. [Whoever shall embezzle, steal, or purloin any money, property, record, voucher, or valuable thing whatever, of the moneys, goods, chattels, records, or property of the United States, shall be *fined* not more than \$5,000 or *imprisoned* not more than five years, or both.]

If a party had embezzled property, but had long since parted with it, and at the time he was arrested in a foreign jurisdiction—that is, in some other State—he would not have the property with him, then the offense for which he would be apprehended would in noway be connected with the possession or the recoupment or recovery of the property, but would be strictly an offense directed against the person for a violation of the law. It would have no element of property in it. All charges for larceny carry with them the element of property, because larceny can only be committed in connection with property. All embezzlements carry with them the element of property, provided that at the time of the apprehension of the party charged with embezzlement, he still has all or a part of the things embezzled; but where he has parted with it and the apprehension and trial of the party would not result in any way in the recovery of the property, then he is a naked criminal, to be tried with reference to his own moral obliquity.

Mr. BACON. Mr. President, I am not seeking to amend the law. I am now siding with the Senator from Idaho [Mr. HEYBURN] in his contention that the law as it now stands should be allowed to remain. I am simply contending that the law as it is now on the statute book is in better shape in its provisions than the one which it is proposed to substitute for it.

The proposed statute, as read by the Senator, down to the words "United States" is exactly the same as the law now, and the change is thereafter. Now, in order that that may be seen, I will read the entire section as the law now stands:

That any person who shall embezzle, steal, or purloin any money, property, record, voucher, or valuable thing whatever, of the moneys, goods, chattels, records, or property of the United States—

The change begins there. The existing law goes on as follows: shall be deemed guilty of felony, and on conviction thereof before the district or circuit court of the United States in the district wherein said offense may have been committed, or into which he shall carry or have in possession of said property so embezzled, stolen, or purloined, shall be punished therefor by imprisonment at hard labor in the penitentiary not exceeding five years or by a fine not exceeding \$5,000, or both, at the discretion of the court before which he shall be convicted.

I quite agree with the Senator that where the existing law is not radically objectionable, it should be maintained in its present form, unless it might possibly be in the matter of phraseology. But there is there a radical change denying to the court jurisdiction. I am of the opinion that if nothing was said in the original law on the subject of jurisdiction, and there was no particular jurisdiction specified here, the court would have jurisdiction in the district where the offense was originally committed, and also in every district into which the party might carry the stolen property, but with the law as it now stands on the book, to change it and limit the jurisdiction to the place where the offense was originally committed, would be construed by the court as an intention on the part of Congress to deny jurisdiction in any other district except the one specified district in which the offense was originally committed. Unless there is a good reason for doing so, why change it?

Mr. HEYBURN. I would call the Senator's attention to the language of the existing law as to whether it is not open to the element of uncertainty and ambiguity in that it provides:

That any person who shall embezzle, steal, or purloin any money, property, record, voucher, or valuable thing whatever, of the moneys, goods, chattels, records, or property of the United States, shall be deemed guilty of felony, and on conviction thereof before the district or circuit court of the United States in the district wherein said offense may have been committed, or into which he shall carry or have in possession of said property so embezzled, stolen, or purloined, shall be punished therefor by imprisonment at hard labor in the penitentiary not exceeding five years or by a fine not exceeding \$5,000, or both, at the discretion of the court before which he shall be convicted.

Mr. BACON. Mr. President—

Mr. HEYBURN. If the Senator will pardon me for a moment, there is an ambiguity about that language that might lead to some embarrassment. There is the alternative element in the statement of the jurisdiction; there is the alternative element in the statement of the offense. Two offenses are stated, one the stealing or embezzlement and carrying the property into another jurisdiction, in which case either jurisdiction may try and punish, or the other of stealing or embezzlement and not carrying it into another jurisdiction. The question arises whether or not in that case the party can be punished where apprehended. I am of the opinion, from such attention as I have given to it, that he could only be punished in the place where he was apprehended, provided he had the goods or some part of them with him. If the Senator will give close attention to that language he will see that there is no other reason for stating it in the alternative, except for the use of the language "or into which he shall carry or have in possession said property so embezzled"—that is, the jurisdiction into which he shall carry it or have in possession the property.

Mr. BACON. It is possible for a party to embezzle or steal property in one jurisdiction and himself go to another jurisdiction and have some one else to bring it to him? That is one of the extreme cases, but that illustrates it.

Mr. HEYBURN. Under this section he may be apprehended in any jurisdiction if he has the goods on him. He may be tried where apprehended, because the statute says if he shall take such goods or have them with him in that jurisdiction he may be tried there, but if he shall be arrested naked of the goods he must be taken back where he committed the offense.

Mr. BACON. Mr. President, I think this is a matter of some importance, or I would not detain the Senate with a discussion of it. I can conceive of circumstances in which the Government might be unable to bring parties to justice if the law were changed, as is proposed by the committee.

There are a great many officials of the Government intrusted with public property who are constantly moving from one jurisdiction to another, and why should we put it in the power of a party who has committed an embezzlement to set up the question of jurisdiction, when it can be shown that in a certain jurisdiction he had the property in his possession? We may not be able to show where it was that he originally embezzled it, but why should there be any change when, in a matter of substance of that kind, justice may be defeated?

This is a matter of grave importance, Mr. President, in view of the fact of the wide extent of this country, the facilities for rapid intercommunication, and the large number of officers of the Government in various Departments who are intrusted with money and other valuable things, who are constantly passing from one end of this country to the other. When one has undoubtedly, and possibly beyond dispute, embezzled property, why should the court be put to the necessity of establishing the fact as to where he originally embezzled it, if he be found in possession of it? That is only one illustration, and there are a great many others which might be made.

It is true of the law now, Mr. President, as it was in the day of Blackstone, that the reason for the law frequently is not seen until the law itself is abandoned or repealed, when the

reason which caused its original enactment is brought forcibly to the realization of parties by the failure of justice or by the accomplishment of injustice in consequence of the repeal of the law.

Mr. HEYBURN. Mr. President, I am far from disagreeing with the views expressed by the Senator from Georgia [Mr. BACON]. I am here only to present the opinion of the majority of the committee as to the wisdom of this change. This is a larger committee than that consisting of ten members which passed upon this subject, and it seems to me that the suggestions made by the Senator have all of the weight and force that were given to the law as it was enacted by those who did enact it in 1875. I am not inclined to continue the discussion further than is necessary to a clear understanding of the difference between the existing and the proposed law, and then to submit it. I would suggest to the Senator that, in order to insert the words he proposes, certain other words would have to be changed in the section; and if the Senator desires to insist upon the change, we might pass this section until it can be redrafted.

Mr. BACON. I realize the fact that there are some verbal changes which could be made to advantage in the section in order to harmonize it with the language which has been adopted by the committee as to other sections. I think the suggestion of the Senator is a very good one, and I hope the section will be redrafted so as to retain that feature of the law.

Mr. SUTHERLAND. Mr. President, I want to suggest to the Senator from Georgia, before that matter is finally disposed of, one or two other matters for consideration in connection with this provision. While I think it is open to the objection that it is invalid as opposed to the provision of the Constitution which requires that an accused person shall be tried in the State and district where the offense is committed, there are also objections to the policy of such a provision.

Mr. BACON. Mr. President, in order that the Senator may complete the argument, right upon that particular point I want to suggest that I think in contemplation of the law it would not be a violation of the Constitution in that regard, because the construction of the law is that it is a fresh commission of the crime in every jurisdiction into which the stolen goods are carried.

Mr. SUTHERLAND. Yes.

Mr. BACON. That is a well-recognized principle.

Mr. SUTHERLAND. The theory of the common law and statute law, which announces the rule for which the Senator contends, as I understand, is that where a man carries stolen property into another State and has it in his possession, if he continues to retain possession of it with intent to deprive the owner of the property of it, that is a fresh larceny in that jurisdiction. That I understand to be the reason of the rule. But let me put a case to the Senator—

Mr. BACON. I do not think the Senator has stated it exactly correct, if I may be pardoned.

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Georgia?

Mr. SUTHERLAND. Certainly.

Mr. BACON. The Senator says if the party carries the property into a new jurisdiction and retains the possession. It is not necessary that he should retain it.

Mr. SUTHERLAND. That he has possession of it.

Mr. BACON. When he carries it there he has perpetrated a crime. That is the asportation.

Mr. SUTHERLAND. I do not mean that he should retain possession of it all the time, but that he has had possession of it in that new jurisdiction. If he parts with it afterwards, he has not altered the fact that he has committed an offense, for the offense has already been committed.

But the case I wanted to put to the Senator is this: Suppose a person in the State of California steals an article of personal property under circumstances that would make it a case of larceny in California, that after he has possession of the property in California he learns that the property belongs to somebody in Nevada, and with intent, made manifest to the jury beyond any question whatever, of carrying that property into Nevada and delivering it to the owner, he does so carry it into the State of Nevada, and delivers it to the owner of the property, could it be said in that sort of a case that he had committed in Nevada the offense of larceny? It seems to me not, because the intent to steal the property would be wanting.

Now I call the attention of the Senator to the language of this statute:

Shall be deemed guilty of felony, and on conviction thereof before the district or circuit court of the United States in the district wherein said offense may have been committed—

"Wherein said offense may have been committed"—meaning the offense of larceny or embezzlement and that the judge

of the district shall have jurisdiction of such offenses committed in his district—

or into which he shall carry or have in possession of said property so embezzled, stolen, or purloined—

Clearly indicating that in the other district it is not contemplated that the offense shall have been committed at all; but only that the one charged with the offense shall have carried or have in his possession the goods. Otherwise, there would be no reason for making the distinction indicated by the language, "wherein said offense may have been committed, or into which he shall carry or have in possession," either where the offense is committed or where the goods are carried and the offense is not committed.

Mr. BACON. That manifestly means "or into which, after having purloined it, he shall carry it." Any court in the world would construe it in that way. It does not mean that it shall be a crime to carry what has not been stolen.

Mr. SUTHERLAND. But it would not be necessary to prove in the other State into which he had carried the goods that the offense of larceny had been committed there. Either the district where the offense has been committed has jurisdiction, or the other district where it has not been committed, but into which the goods are carried and where he has them in his possession, has jurisdiction.

Mr. BACON. The carrying of the thing stolen itself constitutes the commission of the crime afresh.

Mr. SUTHERLAND. But the statute does not so contemplate, I submit to the Senator, because the statute considers two things, and says either in the district where the offense is committed or where, the offense not being committed, simply the goods are carried, or where he has them in his possession.

I should not feel very free to criticize this provision of the law if I did not find that the framers of it had inserted at the end an unmistakably unconstitutional provision, namely, the provision which states:

And such receiver may be tried either before or after the conviction of the principal felon, but if the party has been convicted, then the judgment against him shall be conclusive evidence in the prosecution against such receiver, etc.

That is manifestly unconstitutional and has been so held by the Supreme Court of the United States in 174 U. S., page 47. The whole thing, to my mind, indicates that the section was drawn without any very clear comprehension of just what the framers of the law were driving at.

I was going to suggest one other thought to the Senator as to the policy of the law. In this kind of a case of course the defendant is entitled to a jury trial. That means a trial by a common-law jury, which means a jury of the vicinage. The courts of the United States have held that that principle of the common law applies. If that is so, then where the party is tried in some other State he can not be tried by a jury of the vicinage. In addition to that, we have a provision of the law—section 878 of the Revised Statutes, which reads as follows—and I call the Senator's attention to this:

SEC. 878. Whenever any person indicted in a court of the United States makes affidavit, setting forth that there are witnesses whose evidence is material to his defense; that he can not safely go to trial without them; what he expects to prove by each of them; that they are within the district in which the court is held, or within 100 miles of the place of trial, and that he is not possessed of sufficient means, and is actually unable to pay the fees of such witnesses, the court in term, or any judge thereof in vacation, may order that such witnesses be subpoenaed, if found within the limits aforesaid, etc.

Then the witnesses may be subpoenaed at the expense of the Government. Suppose under this statute a man originally steals property in California and carries it to the State of New York. Under this law, if it be valid, he may be tried in the State of New York. Suppose he happens to be an indigent defendant and makes affidavit to that effect. All of the witnesses who know anything about the ownership of the property, who know anything about the circumstances of the original taking in California live in California, and under this law not a single witness can be produced, because the law requires that he shall show that the witnesses sought to be subpoenaed are within the district, or, if outside of the district, within 100 miles of the place where the trial is had.

Mr. KEAN. I will say to the Senator from Utah—

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from New Jersey?

Mr. SUTHERLAND. Yes.

Mr. KEAN. I will say to the Senator from Utah that an amendment has been offered to a bill pending before the Judiciary Committee to change that statute. I myself offered the amendment.

Mr. SUTHERLAND. I am speaking of existing law.

Mr. BACON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Georgia?



Mr. SUTHERLAND. I will conclude in a moment.

Mr. BACON. If the Senator will pardon me—

The VICE-PRESIDENT. The Senator from Utah declines to yield.

Mr. SUTHERLAND. No; I will yield to the Senator.

Mr. BACON. I simply want to suggest to the Senator that under the present law you can send to California for a witness by order of the court. What the Senator refers to is the right of the party to have a witness by subpoena, which is a very different thing.

Mr. SUTHERLAND. Ah, the right I am referring to is the right of an indigent defendant to have witnesses brought at the expense of the Government.

Mr. BACON. That is not limited to the district. Of course he can not have them brought at the expense of the Government by subpoena, but by an order of the court he can have a witness brought from the uttermost parts of the country.

Mr. SUTHERLAND. If he is prepared to pay the bill.

Mr. BACON. No, sir; at the expense of the Government by an attachment. I do not think there is any possible doubt on that question. It would be the grossest injustice if we had a law of that kind, under which a man could be put on trial and not be allowed the benefit of witnesses in his defense. The right to have a witness by subpoena and the right to have one by order of the court are two very different things.

Mr. SUTHERLAND. Let me read to the Senator the section. I do not think I can be mistaken about it.

Mr. BACON. What section is the Senator reading?

Mr. SUTHERLAND. Section 878 of the Revised Statutes: SEC. 878. Whenever any person indicted in a court of the United States makes affidavit, setting forth that there are witnesses whose evidence is material to his defense; that he can not safely go to trial without them; what he expects to prove by each of them; that they are within the district in which the court is held, or within 100 miles of the place of trial, and that he is not possessed of sufficient means, and is actually unable to pay the fees of such witnesses, the court in term, or any judge thereof in vacation, may order that such witnesses be subpoenaed if found within the limits aforesaid. In such case the costs incurred by the process and the fees of the witnesses shall be paid in the same manner that similar costs and fees are paid in case of witnesses subpoenaed in behalf of the United States.

I understand under that provision of law, where the defendant is indigent, when he is unable to pay the costs, he can only procure an order of court to subpoena the witnesses provided they are found within the district or, if outside the district, within a hundred miles of the place where the trial is had. It seems to me that even if that were not so it is unjust to compel a defendant, who is able to pay the way of his witnesses, to bring witnesses from California to New York when all of the essential facts of the case have transpired in California, when everything that occurred in California must be proved upon the case in his defense. It seems to me that the operation of the law is unjust, and both for the reason that I believe it to be of doubtful validity, to say the least, and because I believe it to be unjust and oppressive in its operations, I think it ought to be stricken out of existing law.

Mr. BACON. I presume the question as to the hardship of the law is best illustrated by experience. I do not suppose the Senator can refer to any instance in which the law as it now stands upon the statute books has worked any of the hardships to which he has referred. They are imaginary so far as practical experience would demonstrate their existence.

Mr. KEAN. I ask the Senator from Idaho if he is willing now to have the pending bill laid aside.

Mr. HEYBURN. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. Without objection, it is so ordered.

#### EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 4 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 5, 1908, at 12 o'clock meridian.

#### NOMINATIONS.

*Executive nominations received by the Senate February 4, 1908.*

##### AUDITOR FOR THE POST-OFFICE DEPARTMENT.

Merritt O. Chance, of Illinois, to be Auditor for the Post-Office Department, in place of Ernst G. Timme, resigned.

##### RECEIVER OF PUBLIC MONEYS.

William H. Houston, of Missoula, Mont., to be receiver of public moneys at Missoula, Mont., vice Harry O. Collins, deceased.

#### POSTMASTERS.

##### ARKANSAS.

Joel M. McClintock to be postmaster at Devall Bluff, Prairie County, Ark., in place of Joel M. McClintock. Incumbent's commission expired December 16, 1907.

John H. Thompson to be postmaster at Yellville, Marion County, Ark. Office became Presidential October 1, 1907. Postmaster removed.

##### COLORADO.

John F. Morgan to be postmaster at Colorado City, El Paso County, Colo., in place of John F. Morgan. Incumbent's commission expired January 4, 1908.

Jennie Ross to be postmaster at Cheyenne Wells, Cheyenne County, Colo. Office became Presidential January 1, 1908.

##### CONNECTICUT.

R. Clifford Tyler to be postmaster at Chester, Middlesex County, Conn., in place of R. Clifford Tyler. Incumbent's commission expires February 9, 1908.

##### FLORIDA.

Lawrence Brown to be postmaster at Milton, Santa Rosa County, Fla., in place of Lawrence Brown. Incumbent's commission expires April 28, 1908.

Harry C. Budge to be postmaster at Miami, Dade County, Fla., in place of Harry C. Budge. Incumbent's commission expires April 28, 1908.

Simeon C. Dell to be postmaster at Alachua, Alachua County, Fla. Office became Presidential January 1, 1908.

George Glass to be postmaster at High Springs, Alachua County, Fla., in place of George Glass. Incumbent's commission expires March 2, 1908.

Charles J. Schoonmaker to be postmaster at Cocoa, Brevard County, Fla. Office became Presidential January 1, 1908.

John F. Stunkel to be postmaster at Leesburg, Lake County, Fla., in place of John F. Stunkel. Incumbent's commission expires April 28, 1908.

##### GEORGIA.

William J. Campbell to be postmaster at Fairburn, Campbell County, Ga. Office became Presidential January 1, 1908.

Mattie H. Hanson to be postmaster at Forsyth, Monroe County, Ga., in place of Mattie H. Hanson. Incumbent's commission expired February 3, 1908.

Mary E. Hinton to be postmaster at Woodbury, Meriwether County, Ga. Office became Presidential January 1, 1908.

Mattie Mitchell to be postmaster at Acworth, Cobb County, Ga. Office became Presidential January 1, 1908.

Thomas E. Oden to be postmaster at Blackshear, Pierce County, Ga., in place of Jane A. McKinney, resigned.

Gordon G. Ridgway to be postmaster at Royston, Franklin County, Ga. Office became Presidential January 1, 1907.

##### INDIANA.

Samuel H. Grim to be postmaster at Roanoke, Huntington County, Ind. Office became Presidential January 1, 1908.

James E. Zook to be postmaster at Lima, Lagrange County, Ind., in place of James E. Zook. Incumbent's commission expires February 22, 1908.

##### IOWA.

Louis F. Bousquet to be postmaster at Pella, Marion County, Iowa, in place of Benjamin F. Keables. Incumbent's commission expired January 14, 1908.

James B. Martin to be postmaster at West Bend, Palo Alto County, Iowa. Office became Presidential January 1, 1908.

John W. Reed to be postmaster at Waucoma, Fayette County, Iowa. Office became Presidential January 1, 1908.

##### KENTUCKY.

John E. Butler to be postmaster at Stearns, Whitley County, Ky. Office became Presidential April 1, 1907.

Terry T. Hanberry to be postmaster at Eddyville, Lyon County, Ky. Office became Presidential January 1, 1907.

##### LOUISIANA.

Joseph R. Domengeaux to be postmaster at La Fayette, La Fayette Parish, La., in place of Joseph R. Domengeaux. Incumbent's commission expires February 18, 1908.

Stephen F. Steere to be postmaster at Shreveport, Caddo Parish, La., in place of Stephen F. Steere. Incumbent's commission expires February 18, 1908.

##### MICHIGAN.

Hiram E. Hardy to be postmaster at Big Rapids, Mecosta County, Mich., in place of Hiram E. Hardy. Incumbent's commission expired February 11, 1907.

John N. McCall to be postmaster at Ithaca, Gratiot County, Mich., in place of John N. McCall. Incumbent's commission expired February 11, 1907.

Charles H. Stannard to be postmaster at Dexter, Washtenaw County, Mich. Office became Presidential January 1, 1908.

## MINNESOTA.

Clarendon B. Boody to be postmaster at North St. Paul, Ramsey County, Minn. Office became Presidential October 1, 1907.

Joseph C. Chamberlain to be postmaster at International Falls, Koochiching County, Minn. Office became Presidential January 1, 1908.

## MISSISSIPPI.

John W. Lockhart to be postmaster at Durant, Holmes County, Miss., in place of John W. Lockhart. Incumbent's commission expired February 3, 1907.

George K. Smith, jr., to be postmaster at Indianola, Sunflower County, Miss., in place of William B. Martin, resigned.

## MISSOURI.

Benjamin C. Klusmeier to be postmaster at La Grange, Lewis County, Mo., in place of Benjamin C. Klusmeier. Incumbent's commission expires February 29, 1908.

William E. Osterwald to be postmaster at Festus, Jefferson County, Mo., in place of William E. Osterwald. Incumbent's commission expires February 21, 1908.

## NEBRASKA.

Horace G. Lyon to be postmaster at Gordon, Sheridan County, Nebr., in place of John H. Crowder, resigned.

Benjamin F. Thomas to be postmaster at Omaha, Douglas County, Nebr., in place of Henry E. Palmer. Incumbent's commission expires February 4, 1908.

## NEW HAMPSHIRE.

Horace E. Hurlbutt to be postmaster at Hanover, Grafton County, N. H., in place of Leon F. Sampson, removed.

## NEW JERSEY.

Leslie I. Cooke to be postmaster at Hackettstown, Warren County, N. J., in place of Leslie I. Cooke. Incumbent's commission expired January 14, 1908.

Charles F. Hopkins to be postmaster at Boonton, Morris County, N. J., in place of Charles F. Hopkins. Incumbent's commission expires February 22, 1908.

Daniel M. Merchant to be postmaster at Morris Plains, Morris County, N. J., in place of Daniel M. Merchant. Incumbent's commission expired January 25, 1908.

## NEW YORK.

Mortimer N. Cole to be postmaster at Castile, Wyoming County, N. Y., in place of Mortimer N. Cole. Incumbent's commission expired March 2, 1907.

Frank E. Colburn to be postmaster at Medina, Orleans County, N. Y., in place of Frank E. Colburn. Incumbent's commission expired December 9, 1906.

George D. Davis to be postmaster at Mount Kisco, Westchester County, N. Y., in place of George D. Davis. Incumbent's commission expired December 17, 1907.

Charles T. Jackson to be postmaster at Goshen, Orange County, N. Y., in place of Charles T. Jackson. Incumbent's commission expires March 3, 1908.

Dudley S. Mersereau to be postmaster at Union, Broome County, N. Y., in place of Dudley S. Mersereau. Incumbent's commission expired January 25, 1908.

Eugene P. Strong to be postmaster at Bay Shore, Suffolk County, N. Y., in place of Eugene P. Strong. Incumbent's commission expires February 5, 1908.

## NORTH CAROLINA.

Roy C. Flanagan to be postmaster at Greenville, Pitt County, N. C., in place of Roy C. Flanagan. Incumbent's commission expires March 1, 1908.

Lossing L. Wrenn to be postmaster at Siler City, Chatham County, N. C. Office became Presidential January 1, 1908.

## NORTH DAKOTA.

Frederick C. Walther to be postmaster at Berthold, Ward County, N. Dak. Office became Presidential January 1, 1907.

## OHIO.

George E. Flora to be postmaster at Mount Healthy, Hamilton County, Ohio. Office became Presidential January 1, 1908.

## OKLAHOMA.

Charles D. Campbell to be postmaster at Apache, Caddo County, Okla., in place of Charles D. Campbell. Incumbent's commission expired January 25, 1908.

Charles F. Hartronft to be postmaster at Foss, Washita County, Okla., in place of Charles F. Hartronft. Incumbent's commission expired January 18, 1908.

John M. Lapham to be postmaster at Cement, Caddo County, Okla., in place of Aloise Hopkins, removed.

William E. McGuire to be postmaster at Pawhuska, Osage

County, Okla., in place of William E. McGuire. Incumbent's commission expired January 18, 1908.

J. S. Thompson to be postmaster at Wellston, Lincoln County, Okla., in place of Thomas D. Craddock, resigned.

John B. Willeford to be postmaster at Olustee, Greer County, Okla. Office became Presidential October 1, 1907.

Charles W. Young to be postmaster at Carnegie, Caddo County, Okla. Office became Presidential January 1, 1908.

## OREGON.

Ione McColl to be postmaster at Gresham, Multnomah County, Oreg. Office became Presidential January 1, 1908.

George W. Spring to be postmaster at Lents, Multnomah County, Oreg. Office became Presidential January 1, 1908.

William E. Tate to be postmaster at Wasco, Sherman County, Oreg., in place of William E. Tate. Incumbent's commission expired January 11, 1908.

William M. Yates to be postmaster at Hood River, Wasco County, Oreg., in place of William M. Yates. Incumbent's commission expired January 4, 1908.

## PENNSYLVANIA.

N. K. Collier to be postmaster at Leechburg, Armstrong County, Pa., in place of Isaac T. Klingensmith, deceased.

George B. Frankenfield to be postmaster at Clifton Heights, Delaware County, Pa., in place of William B. Palmer, removed.

John P. Wilson to be postmaster at Manor, Westmoreland County, Pa., in place of John P. Wilson. Incumbent's commission expired January 18, 1908.

## SOUTH CAROLINA.

Joshua E. Wilson to be postmaster at Florence, Florence County, S. C., in place of Joshua E. Wilson. Incumbent's commission expired January 19, 1908.

## VIRGINIA.

William M. Adams to be postmaster at Norton, Wise County, Va., in place of William M. Adams. Incumbent's commission expired November 24, 1907.

Beverly A. Davis to be postmaster at Rockymount, Franklin County, Va., in place of Beverly A. Davis. Incumbent's commission expires April 19, 1908.

J. R. Elder to be postmaster at Berryville, Clarke County, Va., in place of Alexander McCormick, deceased.

Richard R. Farr to be postmaster at Fairfax, Fairfax County, Va. Office became Presidential October 1, 1907.

Benjamin P. Gay to be postmaster at Smithfield, Isle of Wight County, Va., in place of Benjamin P. Gay. Incumbent's commission expired January 4, 1908.

## WASHINGTON.

William H. Shoemaker to be postmaster at Hillyard, Spokane County, Wash., in place of Nelson J. Bostwick, resigned.

## WISCONSIN.

Frank C. Brown to be postmaster at Brandon, Fond du Lac County, Wis. Office became Presidential January 1, 1908.

Walter Kleinpell to be postmaster at Cassville, Grant County, Wis. Office became Presidential January 1, 1908.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate February 4, 1908.*

## ASSISTANT COMMISSIONER OF GENERAL LAND OFFICE.

Samuel V. Proudfit, of Glenwood, Iowa, to be Assistant Commissioner of the General Land Office.

## RECEIVER OF PUBLIC MONIES.

William H. Houston to be receiver of public monies at Missoula, Mont.

## POSTMASTERS.

## CALIFORNIA.

Alonzo Bradford to be postmaster at Haywards, Alameda County, Cal.

Leonard S. Calkins to be postmaster at Nevada City, Nevada County, Cal.

James L. Matthews to be postmaster at Covina, Los Angeles County, Cal.

James E. Olmsted to be postmaster at Petaluma, Sonoma County, Cal.

Howard A. Preston to be postmaster at Jamestown, Tuolumne County, Cal.

## COLORADO.

Frank E. Baker to be postmaster at Fort Morgan, Morgan County, Colo.

## ILLINOIS.

Thomas E. Ballinger to be postmaster at Chenoa, McLean County, Ill.



Hugh Bennett to be postmaster at Coal City, Grundy County, Ill.

Charles E. Healey to be postmaster at Loda, Iroquois County, Ill.

Henry C. Paradis to be postmaster at Momence, Kankakee County, Ill.

T. B. Williams to be postmaster at Sidell, Vermillion County, Ill.

## IOWA.

Cornelius C. Platter to be postmaster at Red Oak, Montgomery County, Iowa.

H. E. Wyatt to be postmaster at Rockford, Floyd County, Iowa.

## KANSAS.

George E. Grimes to be postmaster at Severy, Greenwood County, Kans.

Frank A. Jewell to be postmaster at Arcadia, Crawford County, Kans.

Charles H. Kurtz to be postmaster at Mulberry, Crawford County, Kans.

James H. Large to be postmaster at Belle Plaine, Sumner County, Kans.

Charles J. Nordstrom to be postmaster at Marquette, McPherson County, Kans.

## MAINE.

Jonathan F. Jefferds to be postmaster at Livermore Falls, Androscoggin County, Me.

## MASSACHUSETTS.

William L. Nickerson to be postmaster at Chatham, Barnstable County, Mass.

## MICHIGAN.

Leander D. Chapple to be postmaster at Wayland, Allegan County, Mich.

Lewis E. Churchill to be postmaster at Gobleville, Van Buren County, Mich.

Volney W. Olds to be postmaster at Hartford, Van Buren County, Mich.

Edwin P. Radford to be postmaster at Hermansville, Menominee County, Mich.

Albert Schell to be postmaster at North Branch, Lapeer County, Mich.

## MINNESOTA.

Clarence J. Buckley to be postmaster at Delano, Wright County, Minn.

Charles Canfield to be postmaster at Winnebago, Faribault County, Minn.

Fred N. Corey to be postmaster at Elk River, Sherburne County, Minn.

Ole C. Enge to be postmaster at Elmore, Faribault County, Minn.

E. E. Lane to be postmaster at Sherburn, Martin County, Minn.

## MISSISSIPPI.

Nevan C. Hathorn to be postmaster at Columbia, Marion County, Miss.

## NEBRASKA.

Benjamin F. Thomas to be postmaster at Omaha, Nebr.

## NEW JERSEY.

William H. Beatty to be postmaster at Alpha, Warren County, N. J.

Frank A. Esty to be postmaster at Clinton, Hunterdon County, N. J.

J. W. Danser to be postmaster at Freehold, Monmouth County, N. J.

William C. Howell to be postmaster at Blairstown, Warren County, N. J.

Andrew Mercer to be postmaster at Lodi, Bergen County, N. J.

Lawrence W. Sickler to be postmaster at Glassboro, Gloucester County, N. J.

## NEW MEXICO.

Arthur A. Matheny to be postmaster at Melrose, Roosevelt County, N. Mex.

## NEW YORK.

John Hopkins to be postmaster at Hyde Park, Dutchess County, N. Y.

## NORTH DAKOTA.

Edmund K. Cavileer to be postmaster at Pembina, Pembina County, N. Dak.

M. C. Knudsen to be postmaster at Esmond, Benson County, N. Dak.

James Power to be postmaster at Portland, Traill County, N. Dak.

## OREGON.

John Boswell to be postmaster at Vale, Malheur County, Oreg.

John Dorn to be postmaster at Echo, Umatilla County, Oreg.

D. M. C. Gault to be postmaster at Cottage Grove, Lane County, Oreg.

Albert R. Martin to be postmaster at Junction City, Lane County, Oreg.

Michor E. Page to be postmaster at Clatskanie, Columbia County, Oreg.

## UTAH.

Orrice F. McShane to be postmaster at Beaver, Beaver County, Utah.

Joseph Odell to be postmaster at Logan, Cache County, Utah.

## VIRGINIA.

Samuel R. Gault to be postmaster at Scottsville, Albemarle County, Va.

Charles E. Welch to be postmaster at Phoebus, Elizabeth City County, Va.

## WEST VIRGINIA.

Napoleon B. Arbogast to be postmaster at Durbin, Pocahontas County, W. Va.

E. E. Deitz to be postmaster at Richwood, Nicholas County, W. Va.

William R. Miller to be postmaster at Wellsburg, Brooke County, W. Va.

## HOUSE OF REPRESENTATIVES.

TUESDAY, February 4, 1908.

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

## ASSASSINATION OF KING CARLOS, OF PORTUGAL.

Mr. COUSINS. Mr. Speaker, I ask unanimous consent for the present consideration of the resolutions which I send to the Clerk's desk.

The Clerk read as follows:

*Resolved*, That the House of Representatives of the United States of America has heard with profound sorrow of the assassination of King Carlos and Crown Prince Luiz, and tender the people of Portugal sincere sympathy in their national bereavement.

*Resolved*, That a copy of these resolutions be delivered to the President of the United States, with the request that he communicate the same to the Government of Portugal.

The resolutions were unanimously agreed to.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 206. An act to extend the provisions of the mining laws of the United States to certain lands situated in the Bitter Root Valley, State of Montana, above the mouth of the Lo Lo Fork of the Bitter Root River;

S. 129. An act to validate the location of mineral claims heretofore made by deputy mineral surveyors during their incumbency in office;

S. 1931. An act to grant certain land, part of the Fort Niobrara Military Reservation, Nebr., to the village of Valentine for a site for a reservoir or tank to hold water to supply the public of said village;

S. 2876. An act to correct the military record of Talton T. Davis;

S. 522. An act to extend the provisions of the act of June 27, 1902, entitled "An act to extend the provisions, limitations, and benefits of an act entitled 'An act granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Cherokee disturbances, and the Seminole war,' approved July 27, 1892;"

S. 4633. An act making an appropriation for the participation by the United States in an exposition to be held at Quito, Ecuador;

S. 4634. An act making an appropriation for the representation of the United States at the First Pan-American Scientific Congress;

S. 390. An act to confer jurisdiction upon the circuit court of the United States for the ninth circuit to determine in equity the rights of American citizens under the award of the Bering Sea arbitration of Paris and to render judgment thereon;

S. 558. An act to authorize a patent to be issued to Annie Ward, formerly Annie Brown, for certain lands therein described;

S. 553. An act for the relief of certain homestead entrymen;